

2020-2025

ARIZONA NICS ACT REPORTING IMPROVEMENTS PLAN



Criminal Justice Systems Improvement
Developed by the Arizona NICS Task Force

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1 ABSTRACT

The U.S. Department of Justice (DOJ), Bureau of Justice Statistics (BJS) awarded the Arizona Criminal Justice Commission (ACJC) funding for federal fiscal years (FY) 2011 through 2020, for the continued development of the Arizona NICS Records Improvement Program (NARIP). The federal program was authorized in 2008 following the tragic Virginia Tech shooting to establish the National Instant Criminal Background Check System (NICS) and assist states in providing information on prohibitive possessors of firearms into a system that is accessible to Federal Firearm Licensees and Law Enforcement. The goal of the program is to address the gap in information available to the NICS Indices, dealing with convicted felons, domestic abusers, fugitives from justice, and persons with mental health adjudications. Addressing these information gaps enables the NICS system to operate as intended to keep guns out of the hands of persons prohibited by federal or state law from receiving or possessing firearms.

In January 2012, the ACJC formally established a NICS Task Force. The Task Force is made up of representatives from Arizona's local, county, state and federal criminal justice agencies, along with non-governmental organizations, such as domestic violence advocacy groups, and academia. The goal of this Task Force is to identify and develop solutions for NICS reporting issues. In addition to the Task Force meetings, the funding is utilized for ongoing project management, system analysis, and methods to support the improvement of the quality and accessibility of all NICS eligible records, to include mental health dispositions.

Arizona has also recognized the need to address missing and/or backlogged dispositions for criminal records used by the NICS. The ACJC used a data-driven process to provide sub-awards to selected criminal justice agencies to address missing and/or backlogged dispositions, create repositories for criminal justice data, and expand accessibility to criminal justice agencies for law enforcement safety.

1.1 ACCOMPLISHMENTS

Since the first meeting in January 2012, through the meeting held on October 8, 2019, 430 different stakeholders, representing 111 agencies, have participated in a total of 32 Arizona NICS Task Force Meetings. There were 20 new stakeholders and 2 new agencies participating in the 2019 Tucson regional meeting.

111 Agencies and Organizations

- 25 Police Department
- 6 County Sheriffs
- 15 Limited Jurisdiction Courts
- 9 General Jurisdiction Courts
- 12 Arizona State Agencies and Departments
- 13 Independent Non-government Organizations
- 7 County Attorney Offices6 County Court Clerk Offices
- 4 Federal Agencies
- City Prosecutor Offices
- County Adult Probation Offices
- County/Municipal Offices
- 2 Tribal Police Departments
- 2 Juvenile Detention Centers
- 1 Information Technology organization

430 Stakeholder Participants

- 114 Arizona State Agency Personnel
- 97 Local Police Department Personnel
- 33 Limited Jurisdiction Court Personnel
- 30 County Attorneys' Office Personnel
- 27 County Superior Court Personnel
- 29 County Sheriffs' Personnel
- 25 Non-government organization personnel
- 22 County Court Clerk Office Personnel
- 10 City Prosecutors Office Personnel
- 10 Federal Agency Personnel
- 6 Adult Probation Officials
- 5 Tribal Officials
- County and Municipal officials
- Juvenile Detention Officials
- Information Technology Specialists

In March 2013, the ACJC published the initial Arizona NICS Act Reporting Improvement Plan (NARIP), containing 31 original recommendations. Since the original NARIP, the Task Force has added six additional recommendations.

The following is a summary of Arizona NICS Task Force accomplishments:

1.1.1 2019 ACCOMPLISHMENTS

ORDER OF PROTECTION/INJUNCTION AGAINST HARASSMENT (AZPOINT) PROJECT

- Completed Order of Protection Service Design meetings in Maricopa County, East and West Valley police, constables and Phoenix Police Department.
- Familiarization on the Order of Protection/Injunction Against Harassment Service Agency Portal with 284 law enforcement and service agency personnel through our OP/IAH trainings in all 15 counties from July through September.
- Training conducted with 328 advocates and 388 law enforcement and service agency personnel on the OP/IAH Petition and Service Portals, respectively, in all 15 Arizona counties from October through mid-December. In late December, four webinars on the OP/IAH Petition and Service Portals was conducted with an additional 129 advocates and 150 law enforcement and service agency personnel.

CONDITIONS OF RELEASE PROJECT

- A meeting held with the Administrative Office of the Courts (AOC) to discuss key issues that needed to be identified and considered when working with stakeholders from around the state.
- ACJC formed the Conditions of Release committee, made up of stakeholders whose expertise in pre-trial conditions of release would be key towards identifying current process, policy and legal issues in the system, understanding how those issues could be resolved, and finding ways to implement solutions to improve the overall process.
- ACJC hosted a kick-off meeting with over 30 stakeholders, including judges, court administrators, law enforcement, and prosecutorial agencies. This meeting helped to identify over 40 key issues that currently exist in Arizona pre-trial conditions of release throughout the state.
- In the second half of 2019, the ACJC coordinated six meetings with partners from the Administrative Office of the Courts, judicial officers from County Superior and Limited Jurisdiction Courts, prosecutors from County Attorneys' Offices, and law enforcement officers to closely examine the issues identified in Q1 2019. These meetings involved a total of 43 stakeholders broken into three sub-committees (process, policy and legal). These groups individually and then jointly identified and finalized approaches to address the 18 critical issues that could impede sharing and enforcement of Conditions of Release in Arizona.

E-WARRANT PROJECT

- A Scope of Work statement for the Arizona Court CMS eWarrant interface with the Judicial Web Interface (JWI) was completed. Five Project Objectives were identified by stakeholders. Grant funding was obtained for software licensing for law enforcement agencies to utilize JWI.
- The AOC has facilitated 11 requirements development sessions to gather input and finalize documented requirements across jurisdictions for eWarrant. A contract project management company has continued to facilitate meetings with Yavapai, Coconino, and Mohave law enforcement to establish system requirements and routing with the Arizona Department of Public Safety (DPS).

AUTOMATED DEPOSITION REPORTING SYSTEM PROJECT

- ADRS training and pilot implementation projects were conducted with the Apache, Coconino, Maricopa, Yavapai, and Yuma County Attorney's Offices.

JUVENILE FELONY DELINQUENT REPORTING

- The AOC Juvenile Justice Services (JJS) met with DPS, ACJC, and the Arizona NICS Task Force to establish requirements for policies and system development in 2019. JJS is dependent upon an update to the JOLTS upgrades but they are on schedule to begin reporting of juvenile felony delinquent records to the NICS Indices in April 2020.

FELONY CONVICTIONS TO NICS

- AOC began full reporting of felony convictions, for records that do not have a corresponding criminal history to the NICS Indices in 2019. Category 1 records increased from 36, in CY 2018, to 1,145, in CY 2019.

1.1.2 2018 ACCOMPLISHMENTS

- Initiated juvenile felony delinquent records reporting to NICS requirements working group meetings with the Arizona Administration of the Courts. Obtained approval from the Arizona Judicial Council to proceed on building system to capture and report juvenile felony delinquent records.
- Completed Order of Protection/Injunction Against Harassment system design meetings in Maricopa and Tucson, Law Enforcement Working Group Meeting and AOC NCIC meeting.

1.1.3 2017 ACCOMPLISHMENTS

- Completed Order of Protection/Injunction Against Harassment focus group on-site meetings in 15 counties, produced eight informational webinars, and facilitated two working group meetings. These meetings resulted in 58 recommendations to improve the OP/IAH process that were vetted through a state-wide survey with 190 participants. The culmination of this work resulted in House Bill 2249, which was

signed by Governor Ducey on April 17, 2018. This law seeks to modernize and simplify the protective order process in Arizona while simultaneously increasing the number of OP/IAH served and decreasing the amount of time it takes to serve the order and enter it into NCIC.

- Decreased the number of inmates arriving at the Arizona Department of Corrections (ADC) with no criminal history from 103 (2016) to 22.
- Increased the cumulative number of NICS mental health submissions from 28,909 to 30,741.
- Increased the number of Arizona NICS denials for domestic violence from 433 to 553 (28%).
- Increased the number of active arrest warrants within NCIC from 67,776 to 81,019.
- Received a \$600,000 budget appropriation from Arizona to expand electronic reporting of case disposition information to the state criminal history repository using the Arizona Disposition Reporting System.

1.1.4 2016 ACCOMPLISHMENTS

- Introduced House Bill 2154 which simplified Failure to Appear statutes and clarified fingerprinting responsibilities. HB 2154 was signed into law by Governor Ducey on April 5, 2016.
- Implemented mental health notification to law enforcement in January 2016 pursuant to Senate Bill 1373. This system was implemented by the Arizona Administrative Office of the Courts (AOC) and the DPS.
- Implemented the Historical Warrant Repository in October 2016. This system, which was created by the DPS, provides pre-trial services personnel conducting risk assessments with the capability to retrieve a defendant's history of previously issued warrants.
- Increased the cumulative number of NICS mental health submissions from 23,032 to 28,909.
- Increased the total number of Arizona NICS denials from 4,676 to 5,799 (24%).
- Increased the number of Arizona NICS denials for domestic violence from 226 to 433 (92%).
- The Arizona AOC implemented a standardized, statewide arrest warrant for General and Limited Jurisdiction Courts.
- Decreased the number of inmates arriving at the ADC with no criminal history from 159 (2015) to 103.
- Reduced the percentage of criminal dispositions submitted to the DPS using the paper-based Final Disposition Report from 60% to 42%. Correspondingly, increased the percentage of electronically submitted dispositions reported using the Arizona Disposition Reporting System (ADRS) from 34% to 51%.

1.1.5 2015 ACCOMPLISHMENTS

- Introduced Senate Bill 1373 which authorizes courts to notify law enforcement of a mental health determination. SB 1373 was signed into law by Governor Ducey on May 1, 2015.
- Introduced Senate Bill 1295 which requires the court to obtain fingerprints from defendants prior to sentencing. SB 1295 was signed into law by Governor Ducey on May 1, 2015.
- As of January 1, 2015, the AOC began to report all mental health adjudications directly to the NICS Indices.
- Increased the cumulative number of NICS mental health submissions from 18,598 to 23,032.

- Reduced the percentage of criminal dispositions submitted to the DPS using the paper-based Final Disposition Report from 73% to 60%. Correspondingly, increased the percentage of electronically submitted dispositions reported using the Arizona Disposition Reporting System (ADRS) from 20% to 34%.
- Increased the number of active arrest warrants within NCIC from 17,770 to 68,285.

1.1.6 2014 ACCOMPLISHMENTS

- Introduced House Bill 2322 which mandates reporting of all mental health adjudications to the NICS Indices. HB 2322 was signed into law by Governor Jan Brewer on May 1, 2014.
- Increased the cumulative number of NICS mental health submissions from 17,593 to 18,598.
- Increased the number of active arrest warrants within NCIC from 12,684 to 17,770.

1.1.7 2013 ACCOMPLISHMENTS

- Published 35 recommendations from the Arizona NICS Task Force. These recommendations, which are described in Sections 6-12 below, were reviewed and adopted unanimously by the ACJC Commissioners.
- Increased the cumulative number of NICS mental health submissions from 15,663 to 17,593.
- Increased the number of active arrest warrants within NCIC from 11,706 to 12,684.

1.2 NEXT FIVE YEARS

Much remains to be accomplished by the Arizona NICS Task Force over the next five years. Many of the recommendations of the Task Force continue to be implemented through policy review and collaboration amongst criminal justice partners.

- Prosecutors must report the addition, modification and removal of criminal charges through the ADRS. Failure to document these changes has resulted in many of the over one million non-disposed charges within the Arizona Computerized Criminal History (ACCH) system. Criminal history record improvement is tied to full engagement of prosecutors in recording their activity that occurs between the law enforcement arrest and final court disposition.
- Come to consensus and implement the ability to capture court ordered conditions of release and make them accessible to law enforcement. Conditions that prohibit the possession of firearms will be reported to NICS.
- Establish a statewide definition of “fugitive from justice”. The default federal definition may have allowed hundreds of subjects with active arrest warrants to purchase a firearm in 2017.
- Establish a process whereby law enforcement can serve a protective order if they have incidental contact (i.e., a traffic stop) with a defendant.
- Include juvenile felony delinquency reporting to the NICS.

2 TABLE OF CONTENTS

| | | |
|-----|----------------------------------------------------------------------|----|
| 1 | ABSTRACT | 2 |
| 1.1 | ACCOMPLISHMENTS | 2 |
| 1.2 | NEXT FIVE YEARS | 5 |
| 2 | TABLE OF CONTENTS | 6 |
| 3 | COMMON TERMS AND ABBREVIATIONS..... | 8 |
| 4 | EXECUTIVE SUMMARY | 12 |
| 4.1 | Arizona NICS Act Reporting Improvement Plan (NARIP) GOALS | 12 |
| 4.2 | OBJECTIVES | 12 |
| 4.3 | NARIP APPROACH | 12 |
| 4.4 | NARIP Action Step Status | 13 |
| 4.5 | NARIP | 20 |
| 5 | NARIP GOVERNANCE..... | 22 |
| 5.1 | NARIP METHODOLOGY | 23 |
| 6 | NICS IMPROVEMENT AMENDMENT ACT | 25 |
| 6.1 | NIAA IMPLIMENTATION | 25 |
| 6.2 | BRADY ACTS REQUIREMENTS..... | 26 |
| 6.3 | HOW NICS WORKS..... | 26 |
| 7 | CATEGORY 1 – FELONY CONVICTIONS..... | 29 |
| 7.1 | BUSINESS PROCESS..... | 30 |
| 7.2 | RECOMMENDATIONS | 37 |
| 8 | CATEGORY 2 – INDICTMENTS, INFORMATIONS, AND VERIFIED COMPLIANTS..... | 43 |
| 8.1 | BUSINESS PROCESS..... | 43 |
| 8.2 | Strengths..... | 46 |
| 8.3 | Challenges | 48 |
| 8.4 | RECOMMENDATIONS | 48 |
| 9 | CATEGORY 3 – ACTIVE WARRANTS | 51 |
| 9.1 | BUSINESS PROCESS..... | 51 |
| 9.2 | CHALLENGES..... | 53 |
| 9.3 | RECOMMENDATIONS | 53 |
| 10 | CATEGORY 4 – DRUG USE..... | 55 |

| | | |
|------|-------------------------------------------------------------|----|
| 10.1 | BUSINESS PROCESS..... | 55 |
| 10.2 | RECOMMENDATIONS | 57 |
| 11 | CATEGORY 5 – MENTAL HEALTH ADJUDICATIONS | 58 |
| 11.1 | BUSINESS PROCESS..... | 58 |
| 12 | CATEGORY 6 – ORDERS OF PROTECTION | 64 |
| 12.1 | BUSINESS PROCESS..... | 65 |
| 12.2 | Challenges | 69 |
| 12.3 | Progress Update..... | 70 |
| 12.4 | Recommendations | 71 |
| 13 | CATEGORY 7 – MISDEMEANOR DOMESTIC VIOLENCE | 73 |
| 13.1 | CURRENT PROCESS..... | 75 |
| 13.2 | Challenges | 76 |
| 13.3 | Recommendations | 78 |
| 14 | Appendix I – AZ NICS Task Force Participating Agencies..... | 79 |
| 15 | Appendix II – Program Recommendations..... | 1 |
| 16 | APPENDIX III – PERFORMANCE MEASURES | 3 |

3 COMMON TERMS AND ABBREVIATIONS

| Acronym | Terms and Abbreviations Explanation |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ACCH | Arizona Computerized Criminal History System |
| ACIC | Arizona Crime Information Center |
| ACJC | Arizona Criminal Justice Commission |
| ACJIS | Arizona Criminal Justice Information System |
| ADC | Arizona Department of Corrections |
| Adjudication | A decision by the court, to include; guilty, not guilty, dismiss, amend, findings, orders. |
| ADRS | Arizona Disposition Reporting System |
| AGAVE | Case management system used by the Superior Court in Pima County. |
| AJACS | Case management system supported by the Administrative Office of the Courts used by many Superior Courts |
| AOC | Administrative Office of the Courts |
| Arrest Warrant | An order directing law enforcement to bring a named person before the court. |
| ARS | Arizona Revised Statute |
| ATTC | Arizona Traffic Ticket and Complaint |
| AZAFIS | Arizona Automated Fingerprint Identification System; an automated statewide fingerprint identification system used to store all ten-print cards for searching fingerprint files and transmitting fingerprint images. |
| AZ NARIP | Arizona NICS Act Records Improvement Plan; a strategic planning document that recommends processes to improve Arizona's capacity and capability to report NICS required information to III, NCIC, and NICS. |
| AZPOINT | Arizona Protective Order Initiation and Notification Tool |
| AZTEC | Legacy case management system used in 130 Arizona Justice Courts. |

ARIZONA NARIP 2020-2025

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|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Booking | The process by which a defendant is taken into custody at the County Jail. It typically begins with a medical examination and may include capturing fingerprints, charges and a mug shot. |
| CCCI | Composite Criminal Cycle Identifier |
| CCI | The Centralized Case Index (CCI) is an AOC project that seeks to maintain a centralized data warehouse containing detailed case information maintained by all Arizona courts. |
| Complaint | Formal written charge that a person has committed a criminal offense. |
| Criminal Cycle | The criminal cycle represents a criminal case from the first contact with law enforcement until the conclusion of post-disposition activities (i.e., supervision, detention, incarceration). |
| CTN | Charge Tracking Number; a sequential number assigned to each charge |
| Departmental Report (DR) | An incident report that is filed by a law enforcement agency in response to a call for service. |
| Disposition | Information on an action taken by a criminal justice agency regarding a criminal charge; used in the context of completing the Disposition Report. See also Final Disposition. |
| DPS | Department of Public Safety |
| Final Disposition | Ultimate termination of the criminal prosecution of a defendant by a trial court, including not referred, dismissal, acquittal or imposition of a sentence. See ARS 13-4401 (10). |
| Final Disposition Report | The report that is required from the disposition agency (arrest, prosecutor or court) pursuant to the Arizona Rules of Criminal Procedure (rule 37) for each person fingerprinted for a reportable crime pursuant to ARS Section 41-1750.PS Form 802-03757-F |
| FFL | Federally Firearms Licensee |
| Grand Jury Indictment | Written accusation by a grand jury charging that a person or business committed a specific crime. |
| Grand Jury | A group of citizens who usually serve a term of not more than 120 days to hear or investigate charges of criminal behavior. |

| | |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| iCIS | Integrated Court Information System. This is the court case management system used by the Maricopa County Superior and Justice Courts. |
| Information | As per section 13.1 of the Arizona Rules of Criminal Procedure, “An information is a written statement charging the commission of a public offense, signed and presented to the court by the prosecutor.” ¹ |
| Intake | Processing an offender at the time of detention/incarceration at a jail or correctional facility. |
| Limited Jurisdiction Courts | City, Municipal, and Justice Courts. Not Superior Court. |
| No Bill | A finding by a grand jury that the evidence presented was not sufficient to find probable cause to indict the defendant. |
| No File | A finding by a prosecutor that charges submitted to the prosecutor will not be pursued. |
| No Referral | A finding by a law enforcement agency that charges that have been initiated will not be referred to a prosecutor. |
| NTN | NICS Transaction Number |
| ORI | Originating Agency Identifier. It is a nine-digit code assigned by the Federal Bureau of Investigation (FBI) to uniquely identify criminal justice agencies. All Courts, Prosecutors and Law Enforcement Agencies in Arizona have been assigned an ORI. |
| OP/IAH | Order of Protection/Injunction Against Harassment is a court order issued to a Plaintiff against a Defendant that sets conditions on a Defendant’s conduct in relationship to the protected party (ies). |
| PCA | The NICS Prohibited Category Code |
| PCN | Process Control Number; a unique alphanumeric number assigned to each arrest and non-arrest fingerprint card through AZAFIS. |
| RMS | Records management system; typically used to describe law enforcement incident and case management systems. |

¹http://www.arizonacrimelaws.com/13_1.htm

ARIZONA NARIP 2020-2025

| | |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SID | State Identification Number; a biometrically-based unique number assigned to each individual in the ACCH record database. |
| Summons | A legal document issued by the court directing law enforcement to notify the named defendant that a complaint has been filed and the defendant is required to appear and answer the complaint. |
| Superior Court | Arizona Court with jurisdiction over felony cases. |
| True Bill | An indictment by a grand jury on any charge against the defendant; see Grand Jury Indictment. |
| 01 Fingerprint | Fingerprint type for arrests. |
| 04 Fingerprint | Fingerprinting for identification purposes only. |

4 EXECUTIVE SUMMARY

Critical public safety decisions are made every day that rely upon criminal history information provided to the NICS Indices. The importance of exchanging accurate, complete and accessible criminal record information in a timely manner is widely recognized and remains a priority for Arizona. Statewide, stakeholders are committed to preserving the integrity of criminal history information by improving the information infrastructure, systems, and processes to aid in Arizona responses to the NICS program.

4.1 ARIZONA NICS ACT REPORTING IMPROVEMENT PLAN (NARIP) GOALS

1. Improve Arizona's record for completeness, automation and transmittal of records and mental health information to the NICS.
2. Improve completeness of criminal history records used by the NICS by addressing disposition backlogs and rejects.

4.2 OBJECTIVES

1. Support the execution of the Arizona NARIP.
2. Maintain the Arizona NICS Task Force (herein referred to as the Task Force).
3. Continually update the Arizona NARIP Plan, to include an Action Plan and Performance Measures.
4. Provide technical assistance to criminal justice agencies within the state to improve NICS reporting.

4.3 NARIP APPROACH

In preparation for the Arizona NICS records improvement assessment in 2011, the ACJC worked with Arizona justice partners and developed a baseline of Arizona NICS reporting. This baseline data was examined by the Task Force to see if the data was relevant and complete.

In this assessment, the Task Force first identified problems that prevented criminal justice agencies from placing records of prohibited persons into a criminal justice system. The Task Force then analyzed Arizona criminal justice systems and processes through meetings and working group sessions to identify barriers to reporting prohibited persons to these criminal justice systems. Following these initial pre-recommendation meetings, the Task Force continues to examine processes and systems.

In February and March 2013, the Task Force formulated and presented recommendations to the ACJC committees and the ACJC Commission for validation. The ACJC continues to review Task Force recommendations with practitioners and executive stakeholders. Upon acceptance of the recommendations by the Commission, the Task Force assists the ACJC in planning and implementing system improvement projects to accomplish the NARIP recommendations.

Finally, the Task Force, with the assistance of the AOC, DPS, ADC and ACJC, tests and measures those system improvements. This performance measurement documentation is analyzed by the Task Force for effectiveness and accomplishment reporting.

4.4 NARIP ACTION STEP STATUS

The table below is organized by NICS Reporting Category and lists adopted recommendations and action steps along with their current status and any dependencies or barriers that may impact progress.

| | RECOMMENDATION | APPROVAL | | DEPEND | ACTION |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------|--------------------------|------------------|
| | ACTION STEP(S) | AZ NICS TF | ACJC | AGENCY | LEG - EXEC |
| CATEGORY 1 – FELONY CONVICTIONS | | | | | |
| 1.1 | Conduct a study of non-disposed charges and determine reasons for open dispositions. | January 2013 | March 2013 | DPS AOC | Not Applicable |
| | ACTION STEPS | | | | STATUS |
| | 1. DPS review of missing dispositions in ACCH | | | | Ongoing |
| | 2. Establishment of the Simplified Segmented Approach/Rule 37 SSA Work Group | | | | Complete |
| | DEPENDENCIES/BARRIERS | | | | |
| | <ul style="list-style-type: none"> Acquisition of Data Sets | | | | |
| 1.2 | Analyze open disposition reasons and identify areas and opportunities for improvement. | January 2013 | March 2013 | DPS AOC | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Design and Establish Performance Measures | | | | Ongoing |
| | DEPENDENCIES/BARRIERS | | | | |
| | <ul style="list-style-type: none"> Policy on Auto-dismiss Resolution to Top 10 Charges with Disposition – Simplified Segmented Approach | | | | |
| 1.3 | Transmit qualifying non-matching disposition and juvenile felony delinquent records to NICS. | January 2013 | March 2013 | DPS AOC | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Establish policy on which records qualify | | | | Complete |
| | 2. Transmission to NICS Indices | | | | Ongoing |
| | DEPENDENCIES/BARRIERS | | | | |
| | <ul style="list-style-type: none"> Reconciliation of Disposition and Criminal History AOC System Change | | | | |
| 1.4 | Develop mechanisms to transmit the PCN information electronically between all justice organizations. | January 2013 | March 2013 | LEs CAs AOC DPS | Executive Action |

| | RECOMMENDATION | APPROVAL | | DEPEND | ACTION |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------|------------|--------------------------------|
| | ACTION STEP(S) | AZ NICS TF | ACJC | AGENCY | LEG - EXEC |
| | ACTION STEPS | | | | STATUS |
| | 1. Sunset the Final Disposition Report (FDR) by 2021 | | | | Ongoing |
| | DEPENDENCIES/BARRIERS | | | | |
| | <ul style="list-style-type: none"> Study on FDR transition from generation to disposition Elimination of paper FDR | | | | |
| 1.5 | Require that the indicated offense is captured in criminal history (ACCH) before the sentencing hearing. | January 2013 | March 2013 | AOC DPS | Senate Bill 1295 Gov 5/1/15 |
| | ACTION STEPS | | | | STATUS |
| | 1. Participate in/Monitor the GAP Project for missing disposition events. | | | | Complete |
| | 2. SSA Working Group establishment | | | | Complete |
| | 3. AOC Policy on missing fingerprints prior to sentencing | | | | Complete |
| | 4. Fingerprint validation process in the courthouse | | | | Ongoing |
| | DEPENDENCIES/BARRIERS | | | | |
| 1.6 | <ul style="list-style-type: none"> Mobile Fingerprinting Deployment in Courthouses | | | | |
| | Place AFIS devices in each superior court building to support the enforcement of mandatory fingerprinting of cite and released defendants. | January 2013 | March 2013 | AOC DPS | Senate Bill 1295 Gov 5/1/15 |
| | ACTION STEPS | | | | STATUS |
| | 1. AFIS Device in each courthouse. | | | | Ongoing |
| 1.7 | DEPENDENCIES/BARRIERS | | | | |
| | <ul style="list-style-type: none"> Deployment of mobile fingerprinting devices | | | | |
| | Conduct training of personnel responsible for capturing fingerprints. | January 2013 | March 2013 | DPS AOC | Court Action |
| | ACTION STEPS | | | | STATUS |
| 1.8 | 1. Training | | | | Ongoing |
| | DEPENDENCIES/BARRIERS | | | | |
| | <ul style="list-style-type: none"> None | | | | |
| | Assess utilization of ADRS | January 2013 | March 2013 | DPS AOC | Executive Action |

| | RECOMMENDATION | APPROVAL | | DEPEND | ACTION |
|--------------------------------------------------|-------------------------------------------------------------------------------------------------------|---------------|------------|------------|--------------------|
| | ACTION STEP(S) | AZ NICS TF | ACJC | AGENCY | LEG - EXEC |
| | ACTION STEPS | | | | STATUS |
| | 1. Track percentage of ADRS usage by Paper, XML, Web | | | | Ongoing |
| | 2. Track agencies using ADRS | | | | Ongoing |
| | DEPENDENCIES/BARRIERS | | | | |
| | • Access to all courts, clerks, prosecutors | | | | |
| 1.9 | Develop a formal training protocol for using ADRS across all 15 Arizona counties. | January 2013 | March 2013 | DPS AOC | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Training 15 superior Courts in utilizing ADRS. | | | | Complete |
| | 2. Develop continuing awareness/education program on ADRS usage | | | | Ongoing |
| | DEPENDENCIES/BARRIERS | | | | |
| | • None | | | | |
| 1.10 | Ensure that Arizonans have a pathway to restore 2 nd Amendment Rights. | April 2013 | March 2013 | | Legislative Action |
| | ACTION STEPS | | | | STATUS |
| | Existing Laws under ARS 13-905,906,908,909,910,911, and 911 | | | | Complete |
| CATEGORY 2 – ACTIVE INDICTMENTS AND INFORMATIONS | | | | | |
| 2.1 | Develop a mechanism for superior courts to report charges indicated on the indictment or information. | January 2013 | March 2013 | DPS AOC | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Alternative process has been identified in Recommendation 2.4 | | | | Pending |
| | DEPENDENCIES/BARRIERS | | | | |
| | • AOC Systems Change | | | | |
| 2.2 | Utilize the ACJIS WAN (DPS Switch) to transmit prosecutor charges into NICS Indices. | January 2013 | March 2013 | DPS AOC | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Alternative process has been identified in Recommendation 2.4 | | | | Pending |
| | DEPENDENCIES/BARRIERS | | | | |
| | • Legislation • ACCH to III | | | | |

| | RECOMMENDATION | APPROVAL | | DEPEND | ACTION |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------|------------|------------------|
| | ACTION STEP(S) | AZ NICS TF | ACJC | AGENCY | LEG - EXEC |
| 2.3 | Create an active information/indictment prohibited possessor indicator and incorporate into LEO DPS Person Query Response. | January 2013 | March 2013 | DPS AOC | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Alternative process has been identified in Recommendation 2.7 | | | | Pending |
| | DEPENDENCIES/BARRIERS | | | | |
| | <ul style="list-style-type: none"> Legislation to make Information/Indictment a State prohibitor | | | | |
| 2.4 | All Conditions of Release that prohibit the possession of a firearm, shall be reported to the NICS Indices. | April 2015 | July 2015 | AOC | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Electronically capture conditions prohibiting firearm possession in court systems | | | | Ongoing |
| | DEPENDENCIES/BARRIERS | | | | |
| | <ul style="list-style-type: none"> Requirements Study AOC Systems Change to Capture Release Conditions | | | | |
| 2.5 | Conditions of Release that prohibit the possession of a firearm, shall be reported electronically and automatically to the NICS Indices. | April 2015 | July 2015 | AOC | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Transmit using established AOC and DPS protocols for transmission submissions to the NICS Indices and NCIC. | | | | Pending |
| | DEPENDENCIES/BARRIERS | | | | |
| | <ul style="list-style-type: none"> AOC capture of CRs in Court Case Management Transmission to NICS Indices and NCIC Supervised Release File | | | | |
| 2.6 | The system used to report Conditions of Release that prohibit the possession of a firearm, shall also be able to automatically modify/cancel a record. | April 2015 | July 2015 | AOC DPS | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Transmit using established AOC and DPS protocols for transmission, i.e., Mental Health submissions to the NICS Indices and NCIC. | | | | Pending |

| | RECOMMENDATION | APPROVAL | | DEPEND | ACTION |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------|------------|------------------|
| | ACTION STEP(S) | AZ NICS TF | ACJC | AGENCY | LEG - EXEC |
| | DEPENDENCIES/BARRIERS | | | | |
| | • AOC Systems Change | | | | |
| 2.7 | Law Enforcement should have access to Conditions of Release that prohibit a firearm, via their automated systems. | April 2015 | July 2015 | AOC DPS | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Transmit using established AOC and DPS protocols for transmission, i.e., Mental Health submissions to NICS. | | | | Pending |
| | DEPENDENCIES/BARRIERS | | | | |
| | • AOC Systems Change • Transmission from AOC to DPS | | | | |
| | CATEGORY 3 – ACTIVE WARRANTS | | | | |
| 3.1 | Create and implement a standardized e-warrant system to be used across all courts and jurisdictions in Arizona | January 2013 | March 2013 | AOC DPS | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Form eWarrant Working Group | | | | Complete |
| | 2. Create Standardized Warrant | | | | Complete |
| | 3. Proof of Concept Pilot | | | | Complete |
| | 4. Implement State-wide | | | | Ongoing |
| | DEPENDENCIES/BARRIERS | | | | |
| | • DPS Systems Modification/Change | | | | |
| 3.2 | Support the creation and implementation of a historical warrant repository (including rule warrants) which would be used for reporting Category 3 information to NICS. | January 2013 | March 2013 | AOC | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Historical Warrant Repository | | | | Complete |
| | 2. All active warrants entered into NCIC | | | | Ongoing |
| | DEPENDENCIES/BARRIERS | | | | |
| | • DPS Systems Modification/Change | | | | |
| CATEGORY 4 – DRUG USE | | | | | |

| | RECOMMENDATION | APPROVAL | | DEPEND | ACTION |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------|------------|-------------------------------|
| | ACTION STEP(S) | AZ NICS TF | ACJC | AGENCY | LEG - EXEC |
| 4.1 | Determine whether through legislation or proposition, all medical marijuana cardholders should be reported to NICS in alignment with Federal law. | January 2013 | March 2013 | DHS DPS | Legislative Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Awareness of Federal Law for all cardholders. | | | | Completed |
| | 2. LE report all cardholders obtained during LE intervention. | | | | No Action |
| | 3. Legislation to enable reporting to NICS | | | | No Action |
| | DEPENDENCIES/BARRIERS | | | | |
| | <ul style="list-style-type: none">Proposition exclusionLE Policy on reporting to NICS Indices | | | | |
| CATEGORY 5 – MENTAL HEALTH | | | | | |
| 5.1 | Add Guardianship Order/Finding to data collected from the courts, stored in a repository, and reported to NICS. | January 2013 | March 2013 | AOC | Legislative Action HB 2322 |
| | ACTION STEPS | | | | STATUS |
| | 1. Legislation – HB 2322 signed into law April 2014. | | | | Complete |
| | 2. Implementation – January 1, 2015 | | | | Complete |
| | 3. State Criminalization Legislation | | | | Complete |
| 5.2 | Add all Rule 11 Findings or “not competent” to data collected from the courts, stored in a repository, and reporting to NICS. | January 2013 | March 2013 | AOC | Legislative Action HB 2322 |
| | ACTION STEPS | | | | STATUS |
| | 1. Legislation – HB 2322 signed into law April 2014. | | | | Complete |
| | 2. Implementation – January 1, 2015 | | | | Complete |
| | 3. State Criminalization Legislation | | | | Complete |
| 5.3 | Implement a database to track those seeking relief for Category 5 NICS-based denials. | January 2013 | March 2013 | AOC DPS | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Database | | | | Complete |

| | RECOMMENDATION | APPROVAL | | DEPEND | ACTION |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------|------------|------------|-------------------------------|
| | ACTION STEP(S) | AZ NICS TF | ACJC | AGENCY | LEG - EXEC |
| 5.4 | Create a NICS Repository that can be used for NICS Reporting under Title 36, Title 14, and Rule 11. | January 2013 | March 2013 | AOC | Legislative Action HB 2322 |
| | ACTION STEPS | | | | STATUS |
| | 1. Development of the CCI Mental Health Repository | | | | Complete |
| 5.5 | Create a Mental Health prohibited possessor indicator and incorporate into DPS Person Query Responses | April 2013 | July 2013 | AOC DPS | Legislative Action SB 1373 |
| | ACTION STEPS | | | | STATUS |
| | 1. Legislation – HB 2322 | | | | Partial |
| | 2. Legislation – SB 1373 signed into law April 1, 2015 | | | | Complete |
| | 3. Implementation – DPS Query to CCI to DPS response to LE | | | | Complete |
| CATEGORY 6 – ORDER OF PROTECTION | | | | | |
| 6.1 | The Task Force should support ongoing efforts by AOC to develop and implement interfaces into CPOR for Pima, Maricopa and AJACS users. | January 2013 | March 2013 | AOC | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. AJACS interface | | | | Ongoing |
| | DEPENDENCIES/BARRIERS | | | | |
| • AOC Re-engineering the LPOR/CPOR for all AZ Court systems | | | | | |
| 6.2 | NCIC should be the primary data source for reporting protection orders. | January 2013 | March 2013 | AOC DPS | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. NCIC use for all Orders of Protection | | | | Complete |
| 6.3 | Promote policy that ensures that orders of protection are removed promptly from NCIC when they expire or are quashed. | January 2013 | March 2013 | AOC DPS | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. NCIC update and expiration date utilization by LE | | | | Complete |
| 6.4 | Arizona should develop a statewide protocol that establishes a best | April 2015 | July 2015 | AOC | Executive Action |

| | RECOMMENDATION | APPROVAL | | DEPEND | ACTION |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------|------------|------------------|
| | ACTION STEP(S) | AZ NICS TF | ACJC | AGENCY | LEG - EXEC |
| | practices model on how order of protections should be processed and shared. | | | | |
| | ACTION STEPS | | | | STATUS |
| | 1. Development of Order of Protection Working Group | | | | Complete |
| | 2. Establish Best Practice Model | | | | Complete |
| | 3. Implement System Changes | | | | Ongoing |
| | DEPENDENCIES/BARRIERS | | | | |
| | <ul style="list-style-type: none">State-wide study on Orders of Protection and Injunctions Against HarassmentPassage of HB 2249 | | | | |
| CATEGORY 7 – MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS | | | | | |
| 7.1 | If no corresponding arrest record is found, ADRS should forward a domestic violence guilty disposition into NICS. | January 2013 | March 2013 | AOC DPS | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Report all MDV convictions in ADRS to the NICS Indices. | | | | Ongoing |
| | DEPENDENCIES/BARRIERS | | | | |
| | <ul style="list-style-type: none">AOC Systems Change | | | | |
| 7.2 | Work with the courts to capture the relationships between the victim and the perpetrator. (Allows for the creation of PCA “J” Codes for defined relationships.) | January 2013 | March 2013 | AOC DPS | Executive Action |
| | ACTION STEPS | | | | STATUS |
| | 1. Create relationship codes for all DV cases | | | | Complete |
| | 2. Report J codes in ACCH (III) | | | | Ongoing |
| | DEPENDENCIES/BARRIERS | | | | |
| | <ul style="list-style-type: none">AOC Systems Change | | | | |

4.5 NARIP

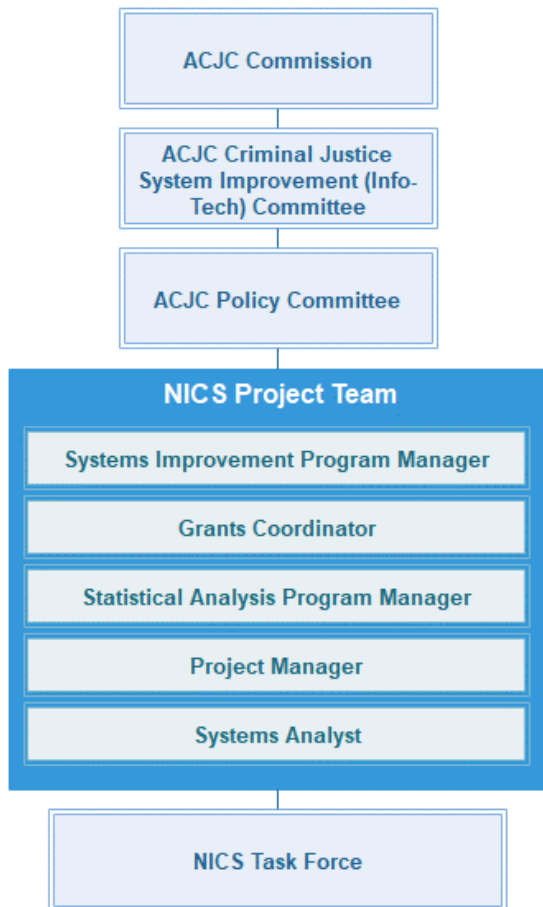
The following sections of this document describe how the Task Force is structured, how stakeholders are represented on the Task Force, and what results were achieved during the first five years of the Task Force. The

ARIZONA NARIP 2020-2025

remaining sections detail the work of the Task Force through recommendations, action steps, and performance measures.

5 NARIP GOVERNANCE

The NARIP leverages the existing statutorily authorized governance infrastructure while widening input from a variety of stakeholders.



The Arizona Criminal Justice Commission: The ACJC is a statutorily authorized entity mandated to carry out various coordinating, monitoring and reporting functions regarding the administration and management of criminal justice programs in Arizona. In accordance with statutory guidelines, the Commission is comprised of 19 members who represent various elements of the criminal justice system in Arizona. Fourteen of the 19 Commissioners are appointed by the governor and are municipal, county or elected officials. The remaining five are state criminal justice agency leaders. ACJC staff members carry out the work of the Commission. See <http://www.azcjc.gov> for additional details about the Commission.

- **ACJC Criminal Justice System Improvement (Info-Tech) Committee:** The subcommittee is comprised of Commission members and considers business and technology recommendations for the full Commission.
- **ACJC Policy Committee:** The policy committee reviews process improvements and submits recommendations to the Info-Tech Committee. The Policy Committee has Technical and Funding sub-teams and Strategic Planning and Disposition Business Process Work Groups.
- **NICS Project Team:** The NICS Project Team members are

responsible for facilitating, formulating and managing the implementation of Task Force recommendations, action planning reviews, and the collection of performance measures.

- **NICS Task Force:** The NICS Task Force is comprised of practitioners and stakeholders representing a wide variety of jurisdictions and agencies throughout Arizona. The Task Force is responsible for researching and identifying opportunities for improvement in Arizona. The NICS Task Force is not a sub-committee, team or working group of the ACJC.

5.1 NARIP METHODOLOGY

The Arizona NICS Task Force is the realization of a five-step approach that has culminated in an action plan with widespread commitment from the community of criminal justice, mental health, victim advocate, and academic professionals in Arizona.

5.1.1 IDENTIFY TASK FORCE MEMBERS

Throughout the process, the Project Team continually assesses the Task Force membership to ensure that the appropriate stakeholders are involved in ongoing discussions and that diverse perspectives are well represented. From the first Task Force meeting to today, the number of participants continues to grow.

Because of this diverse and committed Task Force membership, Arizona has developed a coordinated and synergistic response to prohibited possessor issues which encourages stakeholders to work together to resolve issues and to reach across traditional organizational silos. Task Force meetings are designed to be interactive events that link policy and programs to action.

5.1.2 CHANGE MANAGEMENT AND OWNERSHIP

Beginning with the first Task Force meeting in January 2012, Task Force members were offered a personal perspective of the importance of the Task Force work when Congressman Ron Barber, then Congresswoman Gabrielle Giffords' Staff Director, talked about the January 8, 2011, shooting in Tucson in which six people were killed and 15 wounded including Congressman Barber and Congresswoman Giffords. Congressman Barber discussed the relationship between mental health and policies designed to limit the availability of firearms. The NICS Representative for the Federal Bureau of Investigation's Criminal Justice Information Systems Division also provided a foundational understanding of the NICS reporting process. Additionally, The Arizona Department of Public Safety (DPS) briefed the group on the Arizona Disposition Reporting System (ADRS), a system for submitting disposition information electronically.

Task Force members then focused on understanding NICS reporting challenges by thoroughly discussing the issues and identifying potential solutions. The Project Team utilized the Social Reconnaissance model, an assessment approach designed to create participant ownership of the change process. In following this model, each phase of the assessment creates greater grassroots involvement in the Task Force through information sharing, collaborative planning, outreach, and feedback.

The Task Force broke into groups of 8-10 attendees to provide perspective across a variety of functional areas. Each group developed a list of key problems, barriers to solving these problems, and simple and innovative solutions to remove these barriers. Group members then prioritized this list, which provided the basis for future Task Force meeting discussions.

With increased community ownership and expansion of the Task Force membership, the process yielded significant concrete results: a feasible NARIP that is based on a broadly-shared commitment to change.

5.1.3 UNDERSTAND CURRENT ENVIRONMENT

From April 2012 until January 2013, the Task Force focused on deepening their understanding of the Arizona criminal justice process as it pertains to NICS reporting. The objective was to ensure that recommendations would not only be feasible, but also would leverage leading business practices designed to improve the accessibility and quality of criminal justice information. Graphically mapping business processes was an important step toward better understanding the opportunities and barriers to sharing quality NICS information and providing a context for developing an action plan. The Task Force has evolved into an adaptive group of stakeholders engaged in each of our quarterly meetings, focused on persistent problems, current trends, and emerging issues.

5.1.4 BUILD CONSENSUS

Following these initial Task Force meetings, the Project Team compiled the findings into a comprehensive list of recommendations. At the January 2013 meeting, the Task Force provided feedback on these recommendations using an Audience Response System. Recommendations were presented using Microsoft PowerPoint and members used the Audience Response System to indicate their level of agreement with each recommendation.

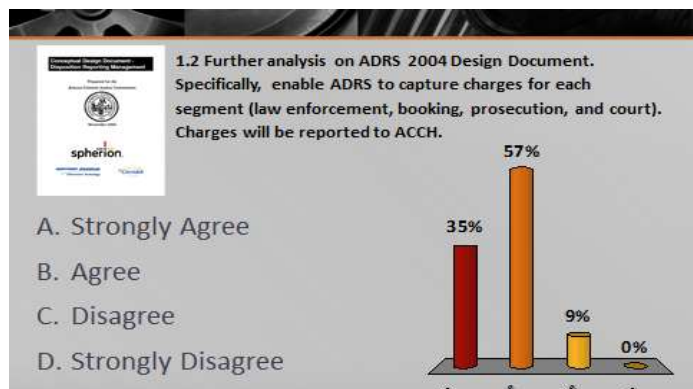


Figure 1 Sample Survey Slide with Results

The Audience Response System provided a unique experience for the Task Force and helped to engage participants in follow-up discussions for each recommendation. The ability to monitor the voting results in real-time often resulted in vigorous debate as participants sought to convince colleagues that their perspective was the correct one. Inevitably, this discussion drew out additional compelling insights. Voting and discussion continued through the October 2013 Task Force meeting and culminated in a refined set with both long and short-term recommendations.

5.1.5 ACTION PLANNING AND IMPLEMENTATION

In January 2013, the ACJC Policy Committee formally accepted the NICS Task Force recommendations. The support of the ACJC Policy Committee allowed the next meeting of the Task Force to focus on developing action plans to implement the recommendations. Over the last five years, project charters have been developed for each of the recommendations. These charters identify stakeholders, project tasks, risks, dependencies and the initial overall project schedule.

6 NICS IMPROVEMENT AMENDMENT ACT

The NICS Improvement Amendments Act (NIAA) amended the Brady Handgun Violence Prevention Act of 1993, Pub. L. 103-159 (The Brady Act), under which the Attorney General established NICS. The Brady Act requires federal firearms licensees (FFLs) to contact the NICS before transferring a firearm to an unlicensed person to ascertain whether the proposed transferee is prohibited from receiving or possessing a firearm under local or federal law. FFLs must be licensed through the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and be enrolled with the FBI to initiate background checks with the NICS.

The NIAA was enacted in the wake of the April 2007 shooting tragedy at Virginia Tech. The Virginia Tech shooter was able to purchase firearms from an FFL because records pertaining to his prohibiting mental health history were not available to the NICS; and, as a consequence, the system was unable to deny the transfer of the firearms used in the shootings. The primary purpose of the NIAA, therefore, is to ensure that all such firearms-prohibiting records are available to the NICS. Filling these record gaps will better enable the system to operate as intended to keep persons prohibited by federal or state law from receiving or possessing firearms.

6.1 NIAA IMPLIMENTATION

The NIAA includes provisions that pertain to both federal agencies and states. For federal agencies, the NIAA mandates the reporting of firearms-prohibiting records and requires that any agency performing mental health adjudications or commitments also develop a relief from disabilities program. Such a program provides a path for a person who have been adjudicated as mentally defective or involuntarily committed to a mental institution to request relief from the firearms prohibition imposed by law as a result of such adjudication or commitment.

For states, the NIAA requests that county record repositories, court systems, and other original source record holders provide the Attorney General with reasonable estimates of firearms-prohibiting records that cover the past 20 years. These estimates are to include two figures, one that provides totals from the originating agency and one with totals from the state record repository across all seven categories of records sought.

6.2 BRADY ACTS REQUIREMENTS

The NICS was mandated by the Brady Act and was established to provide support for FFLs to contact, by telephone or other electronic means, and determine whether the transfer of a firearm to a specific person would violate Section 922 (g) or (n) of Title 18, United States Code, or state law. These NICS background checks are required for the transfer or redemption of both handguns and long guns.

Persons possessing an ATF qualified firearm permit may not be required to undergo a NICS check at the time of transfer. However, a NICS check will be conducted during the firearms permit issuing process.

The Safe Explosives Act was enacted on February 25, 2002, as part of the Homeland Security Act and required that any person who transports, ships, causes to be transported, or receives explosives materials in either interstate or intrastate commerce must obtain a federal permit or license issued by the ATF after undergoing a background check. In February 2003, the transfer of explosives was added to the NICS background check requirements.

6.3 HOW NICS WORKS

As discussed previously, all firearms transfers that involve an FFL are required to undergo a NICS check prior to transfer of the firearm. When purchasing a firearm, the individual is required to complete and sign the ATF Form 4473. The form includes descriptive information such as name, sex, race, date of birth, and state of residence along with other information.

Upon completion, the FFL provides the NICS with the necessary data from the ATF Form 4473 to initiate a background check. Once the information is received, a name and limited descriptor search is conducted for matching records in the:

- Interstate Identification Index (III): Contains millions of criminal history records
- National Crime Information Center (NCIC): Contains arrest warrants and orders of protection
- NICS Indices: Contains records of persons federally prohibited from receiving or possessing firearms.

If no matching records are found within any of these systems, the FFL is notified that they may proceed with the transfer transaction. However, any match or close match based on the transferee's descriptive information will initiate a review by a Legal Instruments Examiner (NICS Examiner).

During this process, the NICS Examiner will review information returned by the system to determine if federal or state firearm prohibitive criteria exist. If the information matched by the NICS is not a valid match or no prohibitive criteria exist, the NICS Examiner will advise the FFL they can proceed with the firearm transfer. The FFL must record the NICS Transaction Number (NTN) assigned to the transaction on the ATF Form 4473 and retain the form for auditing purposes.

If it is determined that prohibitive criteria exist, the NICS Examiner will advise the FFL to deny the firearm transfer. If potentially prohibitive criteria exist and more research is required to make a determination, the NICS Examiner will advise the FFL to delay the firearm transfer.

The Brady Act permits up to three business days to perform the additional research to make a final determination as to the prospective transferee's eligibility. After three days, if a final determination cannot be made, then the transfer may proceed at the discretion of the FFL. Regardless, the NICS staff will continue to research the transaction for up to 88 days to obtain complete disposition information.

6.3.1 INFORMATION THAT IS NOT RETAINED

The NICS does not establish or create a federal firearm registry. Pursuant to Title 28, Code of Federal Regulations (C.F.R.), Section 25.9 (b) (1), within 24 hours of the final notification to the FFL, the NICS is required to destroy all personally-identifying information (other than the identifying transaction number and the date the number was assigned) submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm.

Pursuant to NICS Regulations, 28 C.F.R. §25.2, the NICS can retain records of delayed (open status) transactions until either (1) a final determination on the transaction is reached and has been communicated to the FFL resulting in the status being changed to a proceed (records purged within 24 hours) or a deny (records retained indefinitely) status, or (2) 90 days elapse from the date of inquiry. If no additional information is obtained to make a final determination of proceed or deny on the transaction, all identifying information (with the exception of the NTN and creation date) is purged by the NICS 88 days after the creation date.

6.3.2 NICS CATEGORIES THAT PREVENT A FIREARMS TRANSACTION

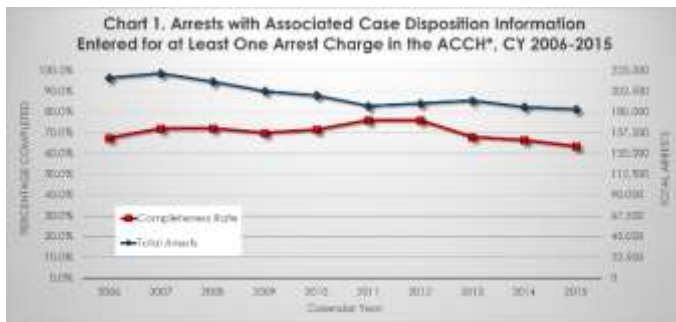
- **Category 1, Felony Convictions:** Persons who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year (e.g. state 'felonies') or of any state misdemeanor punishable by imprisonment for more than two years.
- **Category 2, Active Indictments/Information/Verified Complaint:** A person who is under indictment or where an information is returned or filed with a court, or a criminal complaint issued or verified by a prosecutor, for the crimes described in Category 1.
- **Category 3, Active Arrest Wants/Warrant:** A person who is a fugitive from justice, as demonstrated by an active felony or misdemeanor want or warrant.
- **Category 4, Unlawful Drug Use:** A person who is an unlawful user of or addicted to any controlled substance, as demonstrated by specified arrests, convictions, and adjudications, not protected from disclosure to the Attorney General by federal or state law.
- **Category 5, Mental Health Adjudication or Commitment:** A person who has been adjudicated mentally defective where the record is not protected from disclosure to the Attorney General by federal or state law. Meaning that a court, board, commission or other lawful authority has determined that the person, as a result of marked subnormal intelligence or mental illness, incompetency, condition or disease, (a) is a danger to himself or others or (b) lacks the mental capacity to contract or manage his own affairs. This category also includes:
 - Persons found incompetent to stand trial or found insane by a court in a criminal case

- Persons who have been formally and involuntarily committed to a mental institution. This category of records does not include persons committed to a mental institution voluntarily or merely for observation or evaluation.
- **Category 6, Protection or Restraining Order:** A person who is the subject of an active court order (from criminal or civil court) which restrains a person from committing acts of violence against another person. In Arizona, both Injunctions Against Harassment and Orders of Protection are included.
- **Category 7, Convictions Misdemeanor Domestic Violence:** A person convicted of a misdemeanor offense such as battery, assault, disorderly conduct, breach of peace, family violence/domestic violence, family assault or battery/domestic assault or battery, stalking, harassment, etc.

7 CATEGORY 1 – FELONY CONVICTIONS

A foundation of our criminal justice system is ensuring that those who have been convicted of a felony crime are held accountable. The Arizona Computerized Criminal History (ACCH) is the state repository for arrest and disposition criminal history record information collected across all criminal justice state agencies. The ACCH is the source of Arizona's input into the national Interstate Information Index (III).

Criminal justice systems that store criminal history typically begin each segment with arrest by law enforcement. Ideally, this segment is closed with disposition that is reported by either a prosecutorial agency or court. The key to the health of that system is to ensure that the initial arrest event and subsequent criminal justice actions are fully documented by the time the final disposition is recorded. Simply put, for every arrest charge/count added or modified through the life of the record, an outcome must be recorded in the ACCH. Incomplete records where a disposition does not exist exposes a major vulnerability in the state's criminal justice system.



The strength of the ACCH, in terms of its records completeness (a disposition for every charge/count), directly impacts the effectiveness of ensuring that those who are a felony prohibited possessor of a firearm, cannot acquire a firearm through a commercial sale. Since the establishment of the Arizona NICS Task Force in 2011 through 2017, 14,097 convicted felons have attempted to purchase a firearm through a Federal Firearms Licensee

(FFL) in Arizona.

7.1 BUSINESS PROCESS

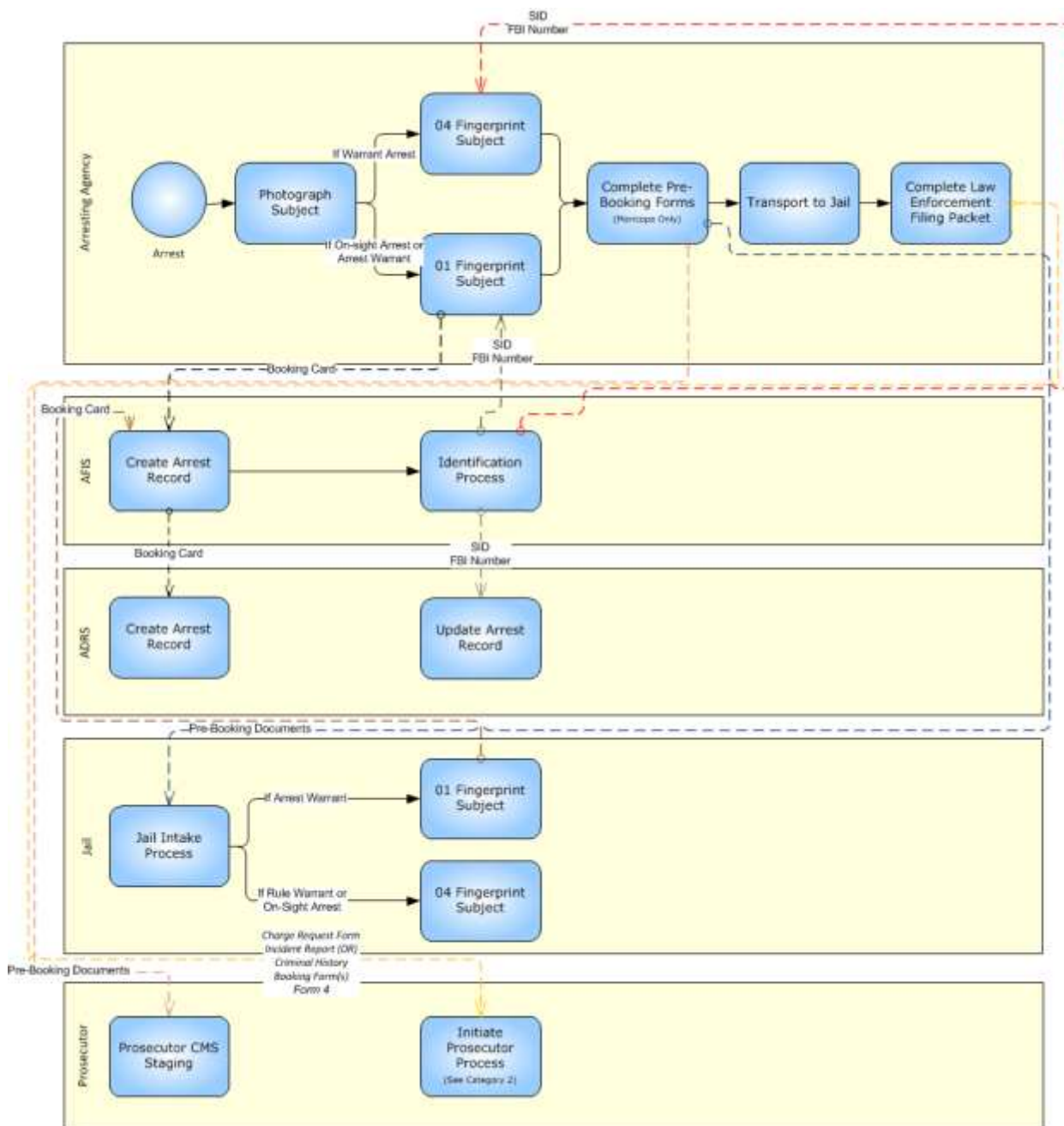


Figure 2 Charging Process

7.1.1 ARRESTING AGENCY CHARGING PROCESS

Felony charges are typically initiated when a subject is taken into custody after either an on-view arrest or the execution of an arrest warrant. The majority of charges in Arizona are initiated through the use of a LiveScan device that is linked to a booking photo device.

House Bill 2154 which clarifies responsibilities for fingerprinting went into effect on January 1, 2017. Under this bill, the Sheriff will be responsible creating the Type 01 criminal history fingerprint for all offenders that are charged with a mandatory fingerprintable offense² and are transported to the county jail.

7.1.1.1 PHOTOGRAPH SUBJECT

A mug shot of the defendant is captured during the Central Records booking process. This image is associated with the law enforcement agency (LEA) records management system master person index record which is electronically associated with the incident (DR) report.

7.1.1.2 FINGERPRINT SUBJECT – TYPE 01/04 FINGERPRINTS

There are many different fingerprint processing types supported by the LiveScan devices used in Arizona. However, the Type 01 and 04 fingerprints are the most commonly used by law enforcement agencies:

- Type 01 Fingerprint: Submissions using this fingerprint type include both a biometrically based identification (via fingerprints) and the charges from the incident or arrest warrant that triggered the fingerprinting event. This type of fingerprint will trigger the creation of a new Criminal Cycle in the Arizona Computerized Criminal History (ACCH) repository and Arizona Disposition Reporting System (ADRS).
- Type 04 Fingerprint: Submissions using this fingerprint type are used for identification purposes only. Charges are not included in this fingerprint type and this type does not create a new criminal cycle in the ACCH. This fingerprint type will be typically used to confirm identity upon arrival at a detention facility.

When a defendant is arrested and charged with a mandatory fingerprintable offense, the arresting law enforcement agency will typically perform the Type 01 Fingerprint. The primary exceptions to this are as follows:

- The defendant is being placed in the custody of the Sheriff at the county jail.
- The agency is not equipped with an AFIS LiveScan device.
- The defendant is uncooperative during the agency booking process.

Regardless of the fingerprinting type or the fingerprinting agency, a Process Control Number (PCN) is generated when the fingerprinting screen is opened. The PCN is an alpha-numeric identifier that indicates the agency ORI, specific machine ID and a unique sequence number. This PCN is used to uniquely identify the fingerprinting event.

7.1.1.3 CREATE ARREST RECORD (AFIS AND ADRS)

² [A.R.S. § 41-1758.03](#)

The Arizona Automated Fingerprint Identification System (AZ-AFIS) creates a temporary arrest record until either the fingerprints are matched to an existing criminal history or a new criminal history record is created and associated to a newly assigned State Identifier (SID).

Upon receipt of charging information from AFIS, ADRS will also apply a Criminal Activity Tracking Number (CATN) and a Charge Tracking Number (CTN). The CATN and the Process Control Number (PCN) maintain a one-to-one relationship as they uniquely identify a criminal event. The CTN is used to uniquely identify each charge within that criminal event.

7.1.1.3.1 ARIZONA DISPOSITION REPORTING SYSTEM (ADRS)

The ADRS is Arizona's temporary data repository designed to collect and manage disposition information within the state. Since 2012, the number of dispositions that have been reported using the ADRS increased from 18.7% to 50.8% in 2016.

| Table 5. Percentage of Disposition Charges* by Disposition Submission Type CY 2006-2016 | | | | | | | | | | | |
|----------------------------------------------------------------------------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
| <i>Charges Electronically Submitted through E-Dispo</i> | 9.7% | 7.1% | 7.0% | 6.9% | 6.5% | 7.3% | 5.2% | 6.2% | 7.0% | 5.8% | 7.5% |
| <i>Charges Electronically Submitted through ADRS</i> | 0.0% | 6.8% | 14.2% | 14.6% | 14.2% | 12.8% | 18.7% | 18.4% | 19.7% | 33.9% | 50.8% |
| <i>Charges Submitted via Paper Submission</i> | 90.3% | 86.1% | 78.8% | 78.4% | 79.2% | 79.9% | 76.1% | 75.5% | 73.3% | 60.3% | 41.7% |

When a subject is fingerprinted, the ADRS and ACCH receive charging information from the Arizona Automated Fingerprint Information System (AZ-AFIS). The AZ-AFIS captured ten-print biometric creates a Process Control Number (PCN) that is unique to the incident for which the defendant was booked. When disposition information is entered with this PCN into the ADRS, it updates ACCH system which populates the III. ADRS disposition information is purged 90 days after the final disposition has been recorded for a particular PCN.

7.1.1.4 IDENTIFICATION PROCESS

During the identification process, the AFIS compares the booking fingerprints with those of offenders with known criminal histories in the ACCH. If matching prints are found, the SID for that offender is returned to the booking agency within four hours. Arrestees with no prior criminal history will receive a newly generated SID.

7.1.1.5 UPDATE ARREST RECORD

The ACCH and ADRS arrest record is updated to include the SID for the indicated offender. The SID is commonly used by prosecutors and courts to retrieve and update dispositions in ADRS. However, because the SID is a person-based identifier and not an incident-based identifier, the user must manually determine which of the charges throughout the arrestee's criminal history should be updated.

7.1.1.6 COMPLETE PRE-BOOKING FORMS

Pre-booking screens are completed by local law enforcement agencies in some Arizona counties to exchange information with the county jails regarding defendants that are being transported for intake. Charges, demographics, the 04 Bonding Form, property information, and the Probable Cause Statement (Form 4) are documented on this form. The form may be completed from a number of locations including a law enforcement officer's Mobile Display Computer (MDC) or using booking kiosks available at the jail.

7.1.1.6.1 BEST PRACTICE

The pre-booking system used by multiple law enforcement agencies in Maricopa County is a leading practice that allows the MCSO to process a greater number of inmates than might otherwise be possible if jail staff had to do all the data entry using paper-based arrest reports. The system automatically populates the JMS. Because the original data entry was performed by the officer in direct contact with the offender, accuracy is likely to be higher – especially if a driver license swipe system is leveraged to capture demographic information. Finally, much of the information from the pre-booking system is also transmitted into the Maricopa County Attorney Information System (Prosecutor by Karpel) and the Maricopa Superior Court Initial Appearance case management system – reducing duplicate data entry in those agencies.

7.1.1.7 TRANSPORT TO JAIL

Within twenty-four hours, local law enforcement agencies must either release a defendant or transport them to the County Sheriff's Office jail facility.

7.1.1.7.1 JAIL INTAKE

Upon arrival at the County Sheriff's Office, the defendant undergoes a medical examination. An booking number (which is different from the PCN) is created and may be used by prosecutors and court clerks to retrieve and update the case charges.

7.1.1.8 COMPLETE LAW ENFORCEMENT FILING PACKET

Within forty-eight hours, law enforcement must submit their charging packet to the prosecutor. At a minimum, this packet must include the following documents: the charge request form, departmental report (DR), the defendant's criminal history, booking form(s), and the Form 4 probable cause statement.

7.1.1.9 INITIATE PROSECUTOR PROCESS

See the business process description in the section "Information and Indictments" below for details about the prosecutor filing and court disposition process.

7.1.2 STRENGTHS

7.1.2.1 AFIS LIVSCAN UTILIZATION

All County Sheriffs and many local law enforcement agencies are equipped with AFIS Live Scan devices. This ensures that if the defendant appears for fingerprinting (either by being arrested or based on an issued summons) their criminal activity will be captured in the ACCH and biometrically associated with their identity.

| Year | 2015 | 2016 | 2017 | 2018 |
|------------|------|------|------|------|
| # Agencies | 73 | 72 | 72 | 73 |

Figure 3 - Arizona Agencies with LiveScan

While this has resulted in a significant increase in the number of arrest charges documented in the ACCH, the number of charges with open dispositions has also increased because of the cumbersome and disjointed process used for charge disposition. However, it should be noted that a NICS Examiner that identifies an undisposed felony arrest will delay the sale transaction until the charge disposition can be determined. While this process is not efficient, it will prevent the sale of a firearm until the charge status can be determined.

7.1.2.2 JUSTICE WEB INTERFACE

A number of local and state agencies use the Justice Web Interface (JWI) to perform a federated query across multiple databases including: Arizona Crime Information Center (ACIC)/NCIC, Jail Booking, Warrants, ASCISS, AOC public access criminal history/booking, Justice Court, Juvenile Court, and the Sex Offender database.

7.1.2.3 FINGERPRINT REVIEW

Several Arizona law enforcement agencies have incorporated an additional “queue and review” step into their fingerprinting process. Before the charges are transmitted to AFIS, the information entered into the LiveScan machine during booking is compared against the incident report to ensure the charges are consistent. Agencies have found that it is much easier to correct information before it is added into ACCH rather than attempt to correct after submission. However, the delay that this process introduces may cause negative effects by not ensuring all are fully informed of the status.

7.1.2.4 COURTHOUSE FINGERPRINTING

Some Arizona Superior Courts have implemented the capability to capture fingerprints within the courthouse. In these courts, defendants without fingerprints on the presenting charges will be directed to a courthouse room where a Type 01 Fingerprint will be captured and the criminal history created.

7.1.2.5 MOBILE FINGERPRINTING DEVICES

In 2015, the ACJC funded the implementation of mobile fingerprinting devices for all of Arizona's Superior Courts. In the implementing courts, these devices are being used to:

- Confirm the defendant identity prior to sentencing.
- Confirm that they have a criminal history record³.
- Capture a digital fingerprint for the sentencing order as required by A.R.S. §13-607(B)⁴.

A report that details the findings from a pilot implementation in Maricopa and Pinal Counties can be downloaded from:

http://www.azcjc.gov/sites/default/files/pubs/Mobile_Fingerprinting_Pilot_Project_Final_Report.pdf.

³ The Mobile Fingerprint device will return the SID associated with the defendant but cannot currently confirm that they have been fingerprinted for the presenting charges.

⁴ <https://law.justia.com/codes/arizona/2016/title-13/section-13-607/>

7.1.3 CHALLENGES

Criminal history record systems continue to have issues with timely and complete disposition updates. It is important to note that none of these issues were created recently – but rather have been identified through extensive discussions, research and analysis by the NICS Task Force and its agency partners.

7.1.3.1 MISSING CRIMINAL HISTORY

Criminal history records need to be supported by fingerprints. In 2016, the ACJC worked with two Arizona Superior Courts to understand the scale of missing criminal history across felony case types. These two courts carefully tracked situations where they are not able to report case disposition because they were could not find an initial arrest/charging event within the ACCH. Over a relatively brief period, these courts documented 1,348 cases where the arrest charges were not captured in criminal history and no fingerprint was captured for the defendant. This represents approximately 10% of their felony cases⁵.

Non-traffic citations (cite and release) may be issued to a defendant in lieu of transporting them to a jail for booking. In this situation, if the defendant has been charged with a mandatory fingerprintable offense, the court will later order the defendant to appear for fingerprinting. As stipulated in AOC Rules of Criminal Procedure 4.2(a), the court will issue a mandatory fingerprint compliance form that is returned once the defendant has been fingerprinted by an agency. However, most courts do not confirm completion of these fingerprints and consequently, cases can be disposed without fingerprints ever being captured which results in missing criminal history.

7.1.3.2 CHARGE DISPOSITION MAINTENANCE

Some prosecutorial offices continue to have issues with documenting criminal history modifications such as new or amended charges in a timely manner. The ACCH is designed in such a way that requires that every evolution of a charge must be documented as an unbroken chain of events. Any unreported change to the charges may cause the final disposition to not post correctly into criminal history because it cannot be associated to a filed charge.

7.1.3.3 LAW ENFORCEMENT ARREST CHARGE MODIFICATION

Once law enforcement decides to charge a defendant, they will submit a charging packet to the prosecutor. At times, the charges indicated within this charging packet will differ from the charges submitted during the Type 01 Fingerprint booking process. Law enforcement must report any charge modifications into the ADRS to ensure that the prosecutor and courts can match the final disposition to fingerprint charges.

7.1.3.4 DUPLICATE CHARGES⁶

⁵ ACJC Missing Criminal History Assessment, April 2018.

⁶ Data includes all CY 2006-2015 arrest charges and dispositions entered into the ACCH by December 31, 2016 without date errors.

A Rule Warrant is a civil warrant that is issued when a defendant fails to appear for a court hearing. Some jail personnel erroneously rebook a defendant and re-report the original charges when the defendant is booked for an outstanding rule warrant. This may result in duplicate criminal history and consequently, a missing disposition because of the duplicated charge since the disposition can only be applied to a single charge.

7.1.3.5 DUPLICATE ARREST BOOKING

Some local law enforcement agencies continue to capture Type 01 Fingerprints despite the guidance provided through HB 2154 which clearly indicates that the Sheriff is singularly responsible for capturing fingerprints when the defendant is transported to the jail and booked on a felony charge. The result is that charges from the same incident may be duplicated in criminal history – resulting in undisposed charges.

7.1.3.6 CASE CONSOLIDATION

Upon arrest, some agencies will fingerprint the defendant multiple times, once for each departmental report (incident report) in which they are being charged. If the prosecutor consolidates these multiple law enforcement cases into a single court case, the system may not be capable of utilizing ADRS to automatically report dispositions against these multiple PCNs.

7.1.3.7 FAILURE TO APPEAR CHARGES

Because charging is traditionally a prosecutorial function, Arizona judicial officers often disagree regarding whether the court has the authority to charge the defendant with failure to appear under A.R.S. §13-2506 and §13-2507. Consequently, if the charge disposition is not included in the judgement, these charges can remain open indefinitely.

7.2 RECOMMENDATIONS

7.2.1 RECOMMENDATION 1.1 –STUDY NON-DISPOSED CHARGES AND DETERMINE REASON(S) FOR OPEN DISPOSITION.

At any given time, approximately 30% of the arrest charges in ACCH do not have a corresponding disposition. The reasons for a non-disposed charge are numerous. Some of these could be as benign as an ongoing investigation, prosecution, or sentencing.

However, the majority of non-disposed charges are due to other factors – many of which have been at least partially addressed through efforts of the Arizona NICS Task Force:

- The AOC and ACJC established the Missing Criminal History Working Group which recommended legislation and policy changes:
 - A policy change implemented by many Arizona courts requires that they report dispositions on all court disposed charges.
 - HB 2154 which was signed by the Governor on April 5, 2016, requires that if the defendant is arrested on a mandatory fingerprintable charge, the County Sheriff is responsible for the Type 01 Fingerprint.

- SB 1295 which was signed by the Governor on April 1, 2015 requires the court to obtain fingerprints from the defendant prior to sentencing.
- Strategically, the Working Group concluded that it is essential to adopt a zero-tolerance approach for missing criminal history and established measures to confirm whether arrest charges are being captured. The detailed findings from this working group and study can be downloaded from:
http://www.azcjc.gov/sites/default/files/pubs/Arizona_Criminal_Records_Infrastructure_Improvement.pdf.

7.2.2 RECOMMENDATION 1.2 - ANALYZE OPEN DISPOSITION REASONS AND IDENTIFY AREAS AND OPPORTUNITIES FOR IMPROVEMENT.

Many factors that lead to a missing case disposition have been identified through our analysis. These vulnerabilities in Arizona's system have been discussed by the Task Force for formulation of action steps to

| Top arrest offense categories by highest number of charges missing disposition information (since 2002) | | | | | |
|---------------------------------------------------------------------------------------------------------|---------|---------|---------|-----------|-----------|
| | 2014 | 2015 | 2016 | 2017 | 2018 |
| 1. ARS §13-2506 2nd Degree Failure to Appear | 146,425 | 150,173 | 159,747 | 169,349 | 174,086 |
| 2. ARS §28-1381 Driving Under the Influence | 136,823 | 141,797 | 157,664 | 159,851 | 163,589 |
| 3. ARS §13-3415 Drug Paraphernalia Violation | 108,836 | 119,218 | 135,726 | 153,203 | 162,596 |
| 4. ARS §13-3405 Marijuana Violation | 73,982 | 78,484 | 90,899 | 95,448 | 92,741 |
| 5. ARS §13-2904 Disorderly Conduct | 72,243 | 78,195 | 84,856 | 91,841 | 99,717 |
| 6. ARS §13-2507 1st Degree Failure to Appear | 68,166 | 73,523 | 81,787 | 85,260 | 85,444 |
| 7. ARS §28-3473 Driving Violations | 62,317 | 64,009 | 71,654 | 73,456 | 72,808 |
| 8. ARS §13-2810 Interfere w/Judicial Proceedings | 61,428 | 63,455 | 69,358 | 70,044 | 69,418 |
| 9. ARS §13-1203 Assault | 59,352 | 62,820 | 67,315 | 68,137 | 76,084 |
| 10. ARS §13-3904 Promise to Appear Violation | 55,466 | 58,818 | 65,640 | 61,389 | - |
| Total Missing (Since 2002) | 845,038 | 890,492 | 984,646 | 1,029,995 | 1,072,864 |

improve our criminal history reporting.

Since the establishment of the Arizona NICS Task Force the following has been accomplished:

- Informal workgroups have developed process improvement strategies.
- Performance measures have been developed to compare process improvements and correlate them to reporting improvements.

The Task Force continues to seek solutions to deal with the growing problem of increased numbers of non-disposed charges. The table below lists the number of charges that as of January 15, 2018 did not have any recorded disposition in ACCH.

7.2.3 RECOMMENDATION 1.3 - TRANSMIT QUALIFYING NON-MATCHING DISPOSITION RECORDS TO NICS.

When the DPS receives conviction information that does not correspond to an arrest charge, the disposition is rejected and returned to the filing agency for correction and resubmission. However, the minimal information required by NICS is available for these cases. The Task Force recommends that dispositions on felony charges should be reported to the NICS directly.

Since the establishment of the Arizona NICS Task Force the following has been accomplished:

- The AOC and the DPS have worked through an analysis of felony dispositions that do not have a matching arrest.
- As of February 19, 2019 the AOC is submitting disposition records into NICS where a PCN is not captured within the AJACS court case management system used by 13 Arizona Superior Courts. These records will remain in NICS for at least 90 days.

7.2.4 RECOMMENDATION 1.4 - DEVELOP MECHANISMS TO TRANSMIT THE PCN INFORMATION ELECTRONICALLY BETWEEN ALL JUSTICE ORGANIZATIONS.

The PCN is a unique identifier that can be used to link a case throughout all law enforcement, prosecution, and judicial systems. Many of Arizona's criminal justice agencies do not capture or transfer the PCN electronically.

Since the establishment of the Arizona NICS Task Force the following has been accomplished:

- The DPS and the ACJC developed the Arizona Disposition Reporting System (ADRS) capability to push all charging information from the AFIS into a queue for the court case management system.
- Conducted study on the redesigned Final Disposition Report (FDR).
- The NICS Task Force has recommended to sunset the paper FDR by 2021.

7.2.5 RECOMMENDATION 1.5 - REQUIRE THAT THE INDICATED OFFENSE IS CAPTURED IN CRIMINAL HISTORY (ACCH) BEFORE THE SENTENCING HEARING.

The AOC has instituted a policy with their courts to follow this practice which has resulted in significant improvement in disposition reporting. They are currently instituting a process where a return of service will be sent back to the court to confirm that fingerprinting has been completed.

Since the establishment of the Arizona NICS Task Force the following has been accomplished:

- Implemented an initiative with the Maricopa County Probation Department and the Maricopa Superior Court to verify criminal history on convicted charges. During probation intake, if the assigned probation officer determines that the presenting charges are not in criminal history, they will obtain a fingerprinting order from the court to capture the arrest charges and their disposition.
- Implemented an initiative with the Maricopa County Sheriff's Office (MCSO) to review criminal history to confirm that the arrest charges were captured. After two weeks, if the charges are still missing and they have jail intake fingerprints on-file, the MCSO will retroactively create that criminal history.
- Implemented 72 mobile fingerprinting devices in Superior Court courtrooms across Arizona to confirm the presence of a defendant SID at the time of sentencing.
- HB 2154 was signed into law by Governor Ducey and was effective as of January 1, 2017. This measure places responsibility on the Sheriff to submit the Type 01 Fingerprint for any defendant transported to the jail and charged with a felony. The DPS is working on a process to eliminate duplicate Type 01 Fingerprints where the local arresting agency continues to capture and report criminal history.
- The Arizona Department of Corrections (ADC) Gap report provides the best indicator of how successfully we are accomplishing the goal of capturing all reportable charges by identifying convicted offenders that arrive at an ADC facility with no criminal history. Figure 5 below demonstrates that the number of offenders arriving with no criminal history has dropped from 996 cases in 2014 to 22 cases in 2017 – a 97% drop in the number of inmates.

| GAP | CY 2014 | CY 2015 | CY 2016 | CY 2017 | CY 2018 |
|------------------------------------------------------------------|---------|---------|---------|---------|---------|
| Total | 996 | 159 | 102 | 22 | 22 |
| • Verified/Created SID | 566 | 110 | 77 | 19 | 20 |
| • Unable to Compare/Create | 373 | 49 | 23 | 0 | 1 |
| • Pending | 55 | 0 | 2 | 3 | 1 |
| ** Information provided by the Arizona Department of Corrections | | | | | |

Figure 4 2014-2017 ADOC GAP Report

7.2.6 RECOMMENDATION 1.6 - PLACE AFIS DEVICES IN EACH SUPERIOR COURT BUILDING TO SUPPORT THE ENFORCEMENT OF MANDATORY FINGERPRINTING OF CITE AND RELEASED DEFENDANTS.

Maricopa and Pima Superior Courts have implemented booking workstations which has ensured that defendants in approximately 71% of felony cases statewide will have easy access to out-of-custody fingerprinting services.

Starting in February 2016, and in cooperation with the Pima County Sheriff, the Pima Superior Court placed a live capture booking station within the courthouse. Prior to the next court hearing, personnel at the Pima Sheriff's Department identify defendants that have not complied with the Mandatory Fingerprint Compliance Form. They then notify the court and the case will not proceed until the defendant reports to the booking station and returns with evidence that they have been fingerprinted.

During the eight months from February 2016 until September 2016, the courthouse booking station has served the Pima Superior and Pima Consolidated Justice Courts by capturing 357 Type 01 Fingerprints. Moreover, the Pima County Sheriff has also been able to execute several active arrest warrants as these individuals reported for fingerprinting.

In 2015, in cooperation with the Maricopa County Sheriff, the Maricopa Superior Court established fingerprinting capabilities within the courthouse. Sheriff's Department personnel work closely with Superior Court Initial Appearance Commissioners to ensure that all defendants have been fingerprinted prior to the hearing.

Given the benefits described previously, additional courtroom locations at other Superior Courts should be considered while taking into account the equipment and personnel costs associated with these additional locations.

7.2.7 RECOMMENDATION 1.7 - CONDUCT TRAINING OF PERSONNEL RESPONSIBLE FOR CAPTURING FINGERPRINTS.

To ensure that AFIS devices are utilized effectively, additional AFIS procurements must include funding to facilitate training of personnel using LiveScan. Based on this assessment, the Task Force was able to establish specific requirements to formalize training.

Since the establishment of the Arizona NICS Task Force the following has been accomplished:

- Missing Fingerprint Working Group was established, led by AOC, DPS, and the Surprise and El Mirage Police Departments.
- An assessment of training requirements was conducted in 2016 and will continue through 2019.
- From 2014 through 2016, the ACJC, AOC and DPS conducted on-site training in every Arizona County on fingerprinting best practices and reporting criminal history dispositions.

7.2.8 RECOMMENDATION 1.8 - ASSESS UTILIZATION OF ADRS.

Electronic submission of charge dispositions using the ADRS has been identified as a best practice and the NICS Task Force seeks to eliminate the current paper-based process by 2021.

Since the establishment of the Arizona NICS Task Force the following has been accomplished:

- The number of records submitted electronically using the ADRS has increased from 20% of charges in 2014 to 32% of charges in 2017.
- In 2018, the ACJC received over \$600,000 in funding from the state budget to expand electronic reporting.

7.2.9 RECOMMENDATION 1.9 - DEVELOP A FORMAL TRAINING PROTOCOL FOR USING ADRS ACROSS ALL 15 ARIZONA COUNTIES.

The Arizona DPS, in conjunction with ACJC, should develop a formal training protocol for ADRS that is consistently applied to all 15 Arizona counties. A training protocol would utilize the study data and analysis to shape the content of the training and should be tailored to the specific needs of each county.

Since the establishment of the Arizona NICS Task Force, every county has received ADRS training from the DPS and ACJC.

| Disposition Charges by Submission Type | CY 2014 Total (%) | CY 2015 Total (%) | CY 2016 Total (%) | CY 2017 Total (%) | CY 2018 Total (%) |
|----------------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Paper | 251,529 (73.2%) | 223,162 (60.2%) | 111,016 (41.6%) | 226,640 (63.2%) | 293,554 (64.2%) |
| E-Dispo | 23,883 (7.0%) | 21,662 (5.8%) | 19,996 (7.5%) | 16,129 (4.5%) | 6,159 (1.3%) |
| ADRS Web | 61,531 (17.9%) | 118,905 (32.1%) | 129,927 (48.6%) | 105,028 (29.3%) | 134,198 (29.3%) |
| ADRS XML | 6,442 (1.9%) | 7,123 (1.9%) | 6,242 (2.3%) | 10,747 (3.0%) | 23,544 (5.1%) |
| Total | 343,385 | 370,852 | 267,181 | 358,544 | 457,455 |

Figure 5 - ADRS Utilization

7.2.10 RECOMMENDATION 1.10 – ENSURE THAT ARIZONANS HAVE A PATHWAY TO RESTORE SECOND AMENDMENT RIGHTS.

Recommendation 1.10 was initiated by the ACJC and adopted by the Arizona NICS Task Force.

After a prohibited possessor status has expired, a person may submit an application to the judge and/or the court that originally convicted and sentenced the person on the felony offense or adjudicated the person delinquent to restore their Second Amendment rights. Under A.R.S. § 13-905(B) and § 13-906(B) and Arizona Rules of Criminal Procedure Rule 29.2(c) the clerk of the court is responsible for processing the application and sending a copy of the application to the prosecutor's office.

Persons convicted of felony offenses may file an application with the clerk of the superior court in the county in which they reside. Under A.R.S. § 13-911 it is within the discretion of the presiding judge of the superior court in that county to determine if a person's civil rights will be restored. A.R.S. § 13-909 and § 13-910 do not require the clerk to send a copy of the application to the prosecutor's office.

Under the criminal rules of procedure, Rule 29.1, a probationer must be informed in writing of the opportunity to have their civil rights resorted. Under Rules 29.2 and 29.3, for persons convicted of a felony offense in state court, once an application is made to the court a copy must be provided to the prosecutor and a hearing set within 30 days from the date the application was filed. For person's adjudicated delinquent the applicant must serve a copy of the application to the prosecutor's office under A.R.S. § 13-912.01. A prosecutor may file a written opposition to the application within 10 days before the date of the hearing under Rule 29.4.

It is at the discretion of the judge of the superior court that sentenced the person or that judge's successor in office to determine if the person's civil rights will be restored under A.R.S. § 13-908 or under § 13-911.

Since the establishment of the Arizona NICS Task Force this recommendation was fully implemented in 2013.

8 CATEGORY 2 – INDICTMENTS, INFORMATIONS, AND VERIFIED COMPLAINTS

Felony cases in Arizona are filed with the superior court through one of several paths: either through a grand jury indictment or by filing an information with the superior court after a finding of probable cause following the preliminary hearing or a waiver of the preliminary hearing.

8.1 BUSINESS PROCESS

The prosecutor may modify or add to the charges referred by the law enforcement agency. If charges are amended, the prosecutor must either update the ADRS or the paper FDR to ensure that the final adjudicated charges match the criminal history charges.

A case may be dismissed by the court at virtually any time during the justice process. Additionally, the case may never move forward if the prosecutor chooses to “no file” the case by not filing a complaint or information with the court. There are a number of situations that might cause the prosecutor to not file charges in a case including:

- No referral received from law enforcement;
- Prosecutor determines that the facts do not support proceeding further with the case;
- The grand jury does not find probable cause on any charge.

Category 2 acts as a safety net by preventing those with validated charge(s) from obtaining a firearm during the time between arrest and final court disposition.

Every Arizona jurisdiction has implemented a business process for adjudicating cases that best serves their stakeholders. The process model below is intended to represent the high-level business process for felony cases in many Arizona jurisdictions.

8.1.1 PROSECUTOR CHARGING PROCESS MODEL

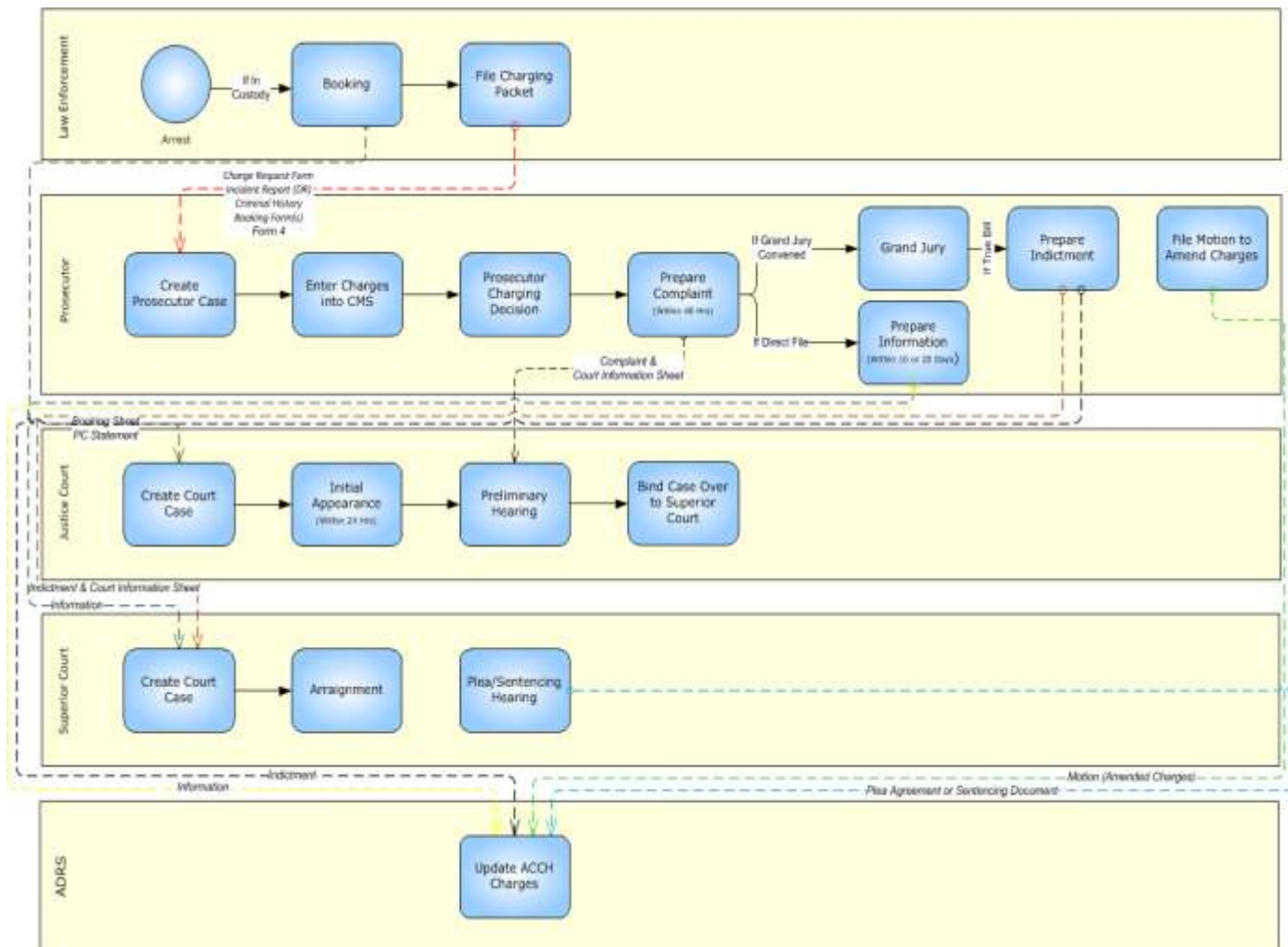


Figure 6 Prosecutor Charging Process Model

8.1.1.1 BOOKING

This process model focuses on felony cases where law enforcement does not issue a “cite and release.” The arresting law enforcement agency will typically perform a Type 01 fingerprint of the defendant prior to transporting the defendant to the jail.

8.1.1.2 LEADING PRACTICE

In Arizona counties, many law enforcement agencies will complete an online pre-booking form prior to transport. In some jurisdictions information entered into the jail management system automatically populates the prosecutor and court case management system.

8.1.1.3 FILE CHARGING PACKET/CREATE PROSECUTOR CASE

The prosecutor's office will typically create a new case only upon receipt of the charging documents from law enforcement. The departmental report number (DR#) and booking number are typically captured either as part of the booking import or the case creation process.

8.1.1.4 ENTER CHARGES INTO CMS

After creating the case, some county attorney's offices are able to import information (i.e., from the Jail Management System) to pre-populate charges within the case management system.

8.1.1.5 CREATE COURT CASE/INITIAL APPEARANCE

The initial appearance must be held within 24 hours of the defendant's arrest. In many jurisdictions, these hearings are held continuously throughout the day. If the person is held in custody, then the preliminary hearing is set for 10 calendar days from the initial appearance. If the person is released from custody, then the preliminary hearing will be set for 20 days from the initial appearance.

More than 100,000 initial appearance hearings occur annually across Arizona. At the initial appearance the court will determine whether sufficient probable cause exists to maintain the defendant in custody, set the conditions of release and schedule the date for the preliminary hearing. During these hearings, the judicial officer will make a finding as to whether the defendant poses a risk to the community. Based on the level of risk, the release order can require a financial bond, indicate release to a third party, or indicate supervised/unsupervised release with additional pretrial conditions. These conditions of release can range widely from prohibition against possession of deadly weapons, to requiring no-contact with the victim, to ongoing electronic monitoring, and, of course, that the defendant not violate additional criminal statutes.

8.1.1.6 PROSECUTOR CHARGING DECISION

Based on the facts indicated in the law enforcement charging documents, the assigned prosecutor will decide whether to proceed with the case and what charges to present to the court.

8.1.1.7 PREPARE COMPLAINT

Per Arizona Rules of Criminal Procedure Rule 4, the prosecutor must submit a complaint to the court within 48 business hours following the initial appearance hearing. A complaint is the written statement of the facts which allege the particulars of a possible violation. The complaint holds someone to the release conditions the judge set at the initial appearance.

8.1.1.8 GRAND JURY/PREPARE INDICTMENT

The prosecutor may prepare an indictment to present a case to the grand jury regarding a crime allegedly conducted by the defendant in violation of statute(s). The grand jury will issue an indictment if they determine there is probable cause to believe a crime was committed and the accused person committed the crime. Based on the evidence presented, a grand jury may add charges to a proposed indictment. In response to a "true bill", the court may issue a warrant or a summons for the person who was indicted.

8.1.1.9 PRELIMINARY HEARING

During the preliminary hearing, the court will determine whether there is probable cause that the defendant committed the offense with which they are charged resulting in a verified complaint. If probable cause is found, the case will be bound over to the Superior Court. A defendant has a right to plead guilty during the preliminary hearing. The defendant also has a right to waive their preliminary hearing and immediately transfer their case to the Superior Court.

8.1.1.10PREPARE INFORMATION

The information is filed in Superior Court and becomes the formal charging document for cases that do not go through the grand jury process and will be used by the magistrate to inform the defendant of the charges against him.

8.1.1.11FILE MOTION TO AMEND CHARGES

If there is a minor issue with the filed indictment or information, the prosecutor may motion the court and request that they be amended. This modification is limited to technical defects such as an incorrect date, incorrect offense or an incorrect code section. If there is additional information that supports new or modified charges, then the case will need to be presented once again to the grand jury for a new indictment, or a new complaint filed.

8.1.1.12PREPARE PLEA AGREEMENT

Charges may also be modified if a plea agreement is signed by the prosecutor and the defendant and is accepted by the court at a change of plea hearing. The modified charges along with the remaining case disposition information are submitted to ACCH by the court. If the plea agreement is not accepted at the time the change of plea is entered in the court, then additional changes to the plea agreement can be made prior to the sentencing hearing.

8.2 STRENGTHS

8.2.1 COURT CAPTURE OF CONDITIONS OF RELEASE

In the Maricopa County Superior Court, pretrial services personnel create a draft Release Order through the eRelease System. This system allows them to select applicable conditions of release based on the risk assessment. The judicial officer maintains final authority over the Release Order and will order conditions based on their assessment of the least restrictive conditions necessary to release the defendant back into the community. Pre-populating the Release Order allows the judicial officer to minimize the amount of time necessary to complete the Order while ensuring that their direction is captured accurately. During on-site workshops, judicial officers agreed that this would be an important capability to implement in a statewide system.

8.2.2 LAW ENFORCEMENT AGENCY ENFORCEMENT OF CONDITIONS OF RELEASE

Some jurisdictions have implemented projects to facilitate ongoing monitoring of released defendants. For example, the Glendale and Mesa Police Departments, in conjunction with the Maricopa County Attorney's Office (MCAO), have developed the Domestic Violence Compliance Check Program. The goals of this program are to:

- Improve victim safety for victims at greatest risk;
- Improve access to victim services;
- Reduce recidivism of most violent offenders;
- Reduce impact on public safety resources; and
- Increase officer safety.

Domestic Violence Detectives may conduct a lethality assessment on domestic violence cases to determine if a compliance check is warranted. If compliance checks are necessary, they will contact the MCAO and request current conditions of release from the defendant's case. MCAO personnel will retrieve the Release Order from the court case management system and email them to the detective. Within the agency Records Management System, the detective will flag the defendant as being on pretrial release with conditions. This improves officer safety by ensuring that officers interacting with the defendant will be aware of their current pretrial status and their conditions. These flags are removed after the first court hearing.

8.2.3 PRE-TRIAL RISK ASSESSMENT

Superior Courts in all Arizona Counties use the Laura and John Arnold Foundation Public Safety Assessment (PSA). In 13 of 15 Arizona Counties, the PSA is completed through the statewide Adult Probation Enterprise Tracking System known as APETS. Pima County uses a local system referred to as the Pima Information Management Application (PIMA) to create the PSA and Maricopa County uses their Integrated Court Information System (ICIS) to create the PSA.

The purpose of the PSA is to measure nine standard factors to evaluate and determine the level of risk to the community in terms of the defendant's likelihood of committing a new crime, committing a new violent crime, and the likelihood they will return for their next court hearing. In addition to the standard PSA factors, several local jurisdictions including Maricopa and Pima County have added additional factors to further evaluate risk to the community. Based on the information entered, the PSA will return a relative assessment score indicating whether the defendant is considered a high, medium or low risk of reoffending during their pretrial release. That PSA score is provided to the initial appearance hearing judicial officer and will be factored into their release decision.

8.2.4 ADRS BASED CHARGE MAINTENANCE

The key to ensuring that criminal history is captured on every presenting case lies in ensuring that responsibility for verifying criminal history is assigned to a specific person within an organization. For example, in Yavapai County a designated prosecutorial staff member uses the ADRS to confirm the defendant's criminal history and electronically file any charge modifications. The success of this initiative is evident not only in the minimal number of Yavapai ADC Gap Cases, but also in the fact that they consistently achieve the highest complete disposition reporting statistics.

8.3 CHALLENGES

8.3.1 NICS REPORTING

Currently, Arizona does not report charges filed by the prosecutor with the court into the NICS. Although prosecutors control these processes, the lack of standardized procedures and statewide case management systems make them an unlikely and inefficient source of filed charges. However, because courts capture filed charges electronically when the charging document is submitted by the prosecutor, they become a logical data source for reporting into the NICS.

8.3.2 DISMISS AND DELAYED REFILE

By Arizona statute, the prosecutor must file charges with the court within 48 hours of the initial appearance. If the prosecutor cannot meet this timeline (for example, if they are waiting on the results of a laboratory test), they will often dismiss the original case.

Once the laboratory test results are returned, they will make a new filing decision and possibly submit an indictment or complaint with the court. In this scenario, there is no way to automatically link fingerprints from the initial booking to the subsequent (delayed) filing and unless the defendant appears for fingerprinting, criminal history may not be created.

8.4 RECOMMENDATIONS

8.4.1 RECOMMENDATION 2.1 - DEVELOP A MECHANISM FOR SUPERIOR COURTS TO REPORT CHARGES INDICATED ON THE INDICTMENT OR INFORMATION.

Since the establishment of the Arizona NICS Task Force we have identified the alternative process described in [Recommendation 2.4](#).

8.4.2 RECOMMENDATION 2.2 – UTILIZE THE ACJIS WAN (DPS SWITCH) TO TRANSMIT PROSECUTOR CHARGES INTO THE NICS INDICES.

Since the establishment of the Arizona NICS Task Force we have identified the alternative process described in [Recommendation 2.4](#).

8.4.3 RECOMMENDATION 2.3 – CREATE AN ACTIVE INFORMATION/ INDICTMENT PROHIBITED POSSESSOR INDICATOR AND INCORPORATE INTO LAW ENFORCEMENT OFFICER DPS PERSON QUERY RESPONSES.

Since the establishment of the Arizona NICS Task Force we have identified the alternative process described in [Recommendation 2.7](#).

8.4.4 RECOMMENDATION 2.4 – ALL CONDITIONS OF RELEASE THAT PROHIBIT THE POSSESSION OF A FIREARM, SHALL BE REPORTED TO THE NICS INDICES.

This recommendation was added by the NICS Task Force and ACJC in 2015 as Arizona considered how to report to NICS under Category 2 while continuing to ensure the defendant's right to due process. If a defendant is released from detention and is ordered by the court to not possess weapons as a condition of release, their identifying information will be shared with the NICS.

Since the establishment of the Arizona NICS Task Force, we have:

- Conducted a detailed analysis with focus group meetings in Maricopa, Yavapai, Graham, and Pima Counties that documented the need to electronically capture conditions of release. Those findings were published as the Conditions Without Consequences report which can be downloaded from the ACJC website at: http://www.azcjc.gov/sites/default/files/pubs/ACJC_Conditions_of_Release_Report.pdf.
- The AOC has developed a budget and a high-level system design to modify existing court case management systems and enable the capture of conditions of release in courts throughout the state. These conditions will be captured within and reported from the AOC Centralized Case Repository.
- A working group is currently standardizing release conditions so that courts can select conditions from a list of possible conditions.

8.4.5 RECOMMENDATION 2.5 – ALL CONDITIONS OF RELEASE THAT PROHIBIT THE POSSESSION OF A FIREARM, SHALL BE REPORTED ELECTRONICALLY AND AUTOMATICALLY TO THE NICS INDICES.

See [Recommendation 2.4](#).

8.4.6 RECOMMENDATION 2.6 – THE SYSTEM USED TO REPORT CONDITIONS OF RELEASE THAT PROHIBIT THE POSSESSION OF A FIREARM, SHALL ALSO BE ABLE TO AUTOMATICALLY MODIFY/CANCEL A RECORD.

A key finding of the [Conditions Without Consequences](#) report is that conditions are extensively modified in the first two weeks after release. Any modifications that result in the restoration of a defendant's right to a firearm will need to be immediately reflected by cancelling their NICS Category 2 record. This capability will be built into the system described in [Recommendation 2.4](#).

8.4.7 RECOMMENDATION 2.7 – LAW ENFORCEMENT SHOULD HAVE ACCESS TO CONDITIONS OF RELEASE THAT PROHIBIT THE POSSESSION OF A FIREARM VIA THEIR AUTOMATED SYSTEMS.

A key capability of the reporting mechanism described in Recommendation 2.4 will be the capability to return active conditions of release to law enforcement when they conduct a query through the ACJIS. This has been incorporated into the high-level design and budget described in [Recommendation 2.4](#).

9 CATEGORY 3 – ACTIVE WARRANTS

Warrants in Arizona fall into one of two broad categories; arrest warrants and rule warrants:

- Arrest warrants are authorized by a court official upon the request of a prosecutor or probation officer.
- Rule warrants (sometimes called bench warrants) are both initiated and authorized by a court official, typically in response to the defendant's failure to appear at a court hearing.

9.1 BUSINESS PROCESS

Once authorized, the court clerk documents the issuance of a warrant through their court case management system and a paper warrant is sent to either the originating law enforcement agency or the county sheriff (depending on the policies of the issuing court and the highest charge level indicated on the warrant) for service. At that point, the law enforcement agency enters the arrest warrant into ACIC. Bench warrants and some misdemeanor warrants may be considered 'local' and only entered into a local law enforcement agency's records management system.

As warrants are executed, cleared, or cancelled, the NCIC is updated.

9.1.1 ARREST WARRANT PROCESS MODEL

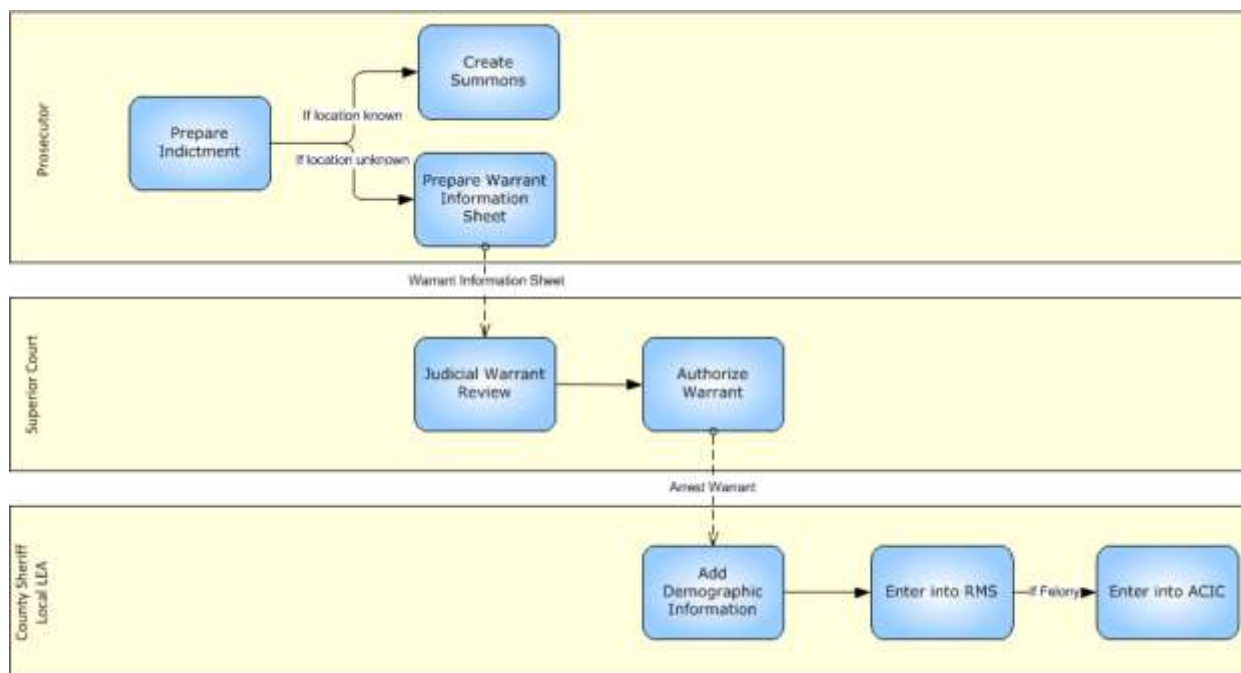


Figure 7 Arrest Warrant Process Model

9.1.1.1 PREPARE WARRANT INFORMATION SHEET

Arrest warrants are typically initiated by either a law enforcement officer or a prosecutor for a defendant who allegedly committed a criminal offense. If the defendant has been indicted by a grand jury, then the prosecutor will prepare either a warrant information sheet to request a warrant or issue a summons.

9.1.1.2 AUTHORIZE WARRANT

If approved, a felony arrest warrant will be signed by the issuing court and delivered to the county sheriff for packing and entry into ACIC. Generally, misdemeanor arrest warrants are maintained by the local law enforcement agency. Currently, some agencies only enter misdemeanor warrants into their local RMS. However, virtually all of these agencies report that they are exploring modifications to their business process and will begin entering these warrants into ACIC.

9.1.1.3 ENTER DEMOGRAPHIC INFORMATION

To confirm accurate demographic information (i.e. name, date of birth, street address, city, state), the warrant section staff of the county sheriff will first validate the information using their RMS system, the Motor Vehicle Division database, NCIC, and III systems to confirm accuracy, completeness, and availability of record details.

9.1.1.3.1 LEADING PRACTICE

During this process, county sheriffs warrant entry clerks will check the jail management system to determine if the defendant indicated on the warrant is currently in detention.

9.1.1.4 ENTER INTO RMS

In some jurisdictions, the warrant section staff will enter the warrant information into their local records management system and associate it with a master name record.

9.1.1.4.1 LEADING PRACTICE

The Arizona law enforcement agencies use the ACIC as their one and only electronic repository for active warrants. This eliminates duplicate entry into a local RMS and ensures statewide visibility into all outstanding warrants.

9.1.1.5 ENTER INTO ACIC

Warrant information will be forwarded from ACIC to NCIC if the warrant indicates that the defendant is approved for extradition outside of the state of Arizona. At the end of CY 2017, Arizona had over 81,000 Active Warrants in NCIC. To put that number in perspective, Arizona ACIC averages approximately 350,000 Active Warrants, at any one given time.

9.2 CHALLENGES

9.2.1 ACIC ONLY ARREST WARRANTS

Some agencies have adopted a practice of entering warrants into ACIC only if the agency is willing to extradite beyond the local jurisdiction. This may result in an officer safety issue since only the originating agency has visibility into these arrest warrants. There is no state statute requiring law enforcement agencies to enter warrants into ACIC.

9.2.2 DEFINITION OF FUGITIVE FROM JUSTICE

There is no definition of “Fugitive from Justice” in Arizona Statute, consequently only federal statutes apply. The federal statute, 18 USC 921 uses a three-tier definition to define a prohibited possessor. The first is that there is an Active Arrest Warrant. Second, the defendant must flee the state of issuance. Finally, the defendant must have fled knowing there was an active warrant for their arrest. This has resulted in a 73% drop in the number of denials under this category from 1,123 in 2016 to 303 in 2017.

9.2.3 ELECTRONIC ARREST WARRANTS

In virtually every Arizona jurisdiction, the arrest warrant process is entirely paper-based. The lack of a statewide automated system for requesting, reviewing and approving warrants has resulted in business process that is highly labor intensive and can result in a delay before the warrant is visible to law enforcement.

9.3 RECOMMENDATIONS

9.3.1 RECOMMENDATION 3.1 - CREATE AND IMPLEMENT A STANDARDIZED E-WARRANT SYSTEM TO BE USED ACROSS ALL COURTS AND JURISDICTIONS IN ARIZONA.

Arizona law enforcement utilizes county sheriffs as the 15 “centralized” filing and processing centers for arrest warrants. All active warrants are entered into the ACIC in a relatively timely manner but only warrants that are transmitted to the NCIC are available to be queried by the NICS.

The NICS Task Force recommended a standard form and consistent process for entry and updating of warrants across the state to allow for increased data quality and availability.

Since the establishment of the Arizona NICS Task Force, the following has been accomplished:

- The AOC adopted and implemented Standardized Arrest Warrants (two versions) for the Superior Courts and Limited Jurisdiction Courts effective January 1, 2017.
- The AOC implemented a pilot for an eWarrant system in Northern Arizona. The pilot was implemented successfully and the Arizona AOC and ACJC are now working toward a statewide implementation.

9.3.2 RECOMMENDATION 3.2 - SUPPORT THE CREATION AND IMPLEMENTATION OF A WARRANT REPOSITORY (INCLUDING RULE WARRANTS) WHICH WOULD BE USED FOR REPORTING CATEGORY 3 INFORMATION TO THE NICS.

Since 2011, the DPS, the AOC and the ACJC have pursued development of a centralized repository for all warrant information which could provide “a single version of the truth.” A central repository based on standardized rules will also provide a high level of assurance that all prohibited possessors are reported to the NICS.

Since the establishment of the Arizona NICS Task Force, the following has been accomplished:

- Law Enforcement agencies within Maricopa County began submissions into ACIC, checking the box that moves the warrant into NCIC, therefore making it available to NICS for their queries. This:
 - Increased the number of active warrants in NCIC from 17,770 to 68,285 in 2015.
 - Increased number of active warrants in NCIC from 68,285 to 81,019 in 2017.

10 CATEGORY 4 – DRUG USE

Before booking an individual on drug charges, many law enforcement officers will field test the suspected drugs or drug paraphernalia to establish probable cause. According to ARS 41-1750, it is not required that law enforcement book/fingerprint a subject for a misdemeanor drug offense. Rather, the defendant will typically be cited and issued a mandatory fingerprint compliance form which requires that they report to their local sheriff for a Type 01 Fingerprint. The drugs will be submitted to a crime laboratory to confirm the presence of controlled substances.

10.1 BUSINESS PROCESS

Subjects may be either arrested or issued a citation for drug-related offenses. A final disposition from the court will be sent to DPS if the subject is fingerprinted.

10.1.1 CHALLENGES

10.1.1.1 MISSING CRIMINAL HISTORY

It is not precisely known how many dispositions from the court cannot be updated within ACCH because the defendant was never Type 01 Fingerprinted. However, anecdotal evidence would seem to suggest that a sizable number of subjects charged with a drug-related offense are never fingerprinted. The combination of mobile fingerprint devices and LiveScan machines in all courthouses (Recommendation 1.6) should significantly improve disposition reporting for drug offenses.

Mandatory Fingerprint Compliance Form

NOTICE: Arizona Revised Statute § 41-1750 requires all persons arrested for a felony, sex offense, driving under the influence, or domestic violence offense to be ten-printed at a place and time designated by the appropriate law enforcement agency. Fingerprinting is also required on any additional charges listed below.

Defendant: _____ Date of Birth: ____/____/____ Agency: _____ Agency Report #: _____

Charge(s):
☐ Felony Offense
☐ Title 12 (Sex Offenses)
☐ Title 28 (DUI Offenses)
☐ Title 13 (DV Offenses)

Citation #: _____
 Charges: A.R.S. § _____ A.R.S. § _____ A.R.S. § _____
 A.R.S. § _____ A.R.S. § _____

Prior to your first court appearance, you must report to «LAW ENFORCEMENT AGENCY NAME», (LE AGENCY ADDRESS), «CITY», AZ, «ZIP CODE» to be fingerprinted and photographed. Fingerprinting hours are «AVAILABLE DAYS»-«AVAILABLE HOURS». After you are fingerprinted, you must provide this form, with the information completed by law enforcement (below), to the court at your next court appearance. Failure to be fingerprinted and to provide the completed form to the court may result in your being taken into custody until you are fingerprinted.

YOU MUST BRING A GOVERNMENT-ISSUED PHOTO ID, ANY CITATION OR COURT ORDER (for this offense) AND THIS FORM IN ORDER TO BE FINGERPRINTED AND PROCESSED.
 The mandatory fingerprint compliance form was personally served upon the defendant by: _____

Officer Signature/Badge #: _____ Date of Offense: _____

This mandatory fingerprint form was received from and explained by the above officer:

Defendant: _____ Date: _____

| Law Enforcement/Printing Agency Use Only | | Right Index Finger Taken at time of arrest |
|--------------------------------------------|----------------------|-----------------------------------------------|
| Agency: _____ | | |
| Date/Time of Ten-Printing: _____ | | |
| Ten-Printed by Officer Name/Badge #: _____ | PCID Obtained: Y / N | |

White Copy: Law Enforcement Agency Blue Copy: Printing Agency Canary Copy: Court Pink Copy: Defendant

Figure 8 Mandatory Fingerprint Form

10.1.1.2 MEDICAL MARIJUANA

In 2010, Arizona legalized medical marijuana via Proposition 203. In November 2012, there were 33,633 medical marijuana card holders in Arizona.⁷ A bit over five years later in April 2018, there were almost 350,000 active medical marijuana card holders.

The Department of Health Services manages Arizona's medical marijuana program but is prohibited from sharing information on individuals who have been approved for the use of medical marijuana with DPS for NICS reporting. The only exception is that DHS can provide DPS information that verifies a person holds a medical marijuana card only when that card is presented to a law enforcement officer at the time of law enforcement contact with that individual.

The ATF issued an advisory to the FFLs that medical marijuana cardholders are classified as prohibited possessors under federal law. FFLs are required to ask firearms purchasers whether they have a medical marijuana card. If the purchaser admits to holding the card they are to mark box 11 on the NICS inquiry form and will be denied the transfer of a firearm. If the applicant lies on the form, they are a prohibited possessor and can be charged with making a false statement, a federal felony offense.

Research by the Maricopa and Yavapai County Attorney Offices indicate that the state cannot change Proposition 203 through legislation. The only way to allow the DHS to share marijuana card information with DPS is through another voter proposition.

10.1.1.3 UNDISPOSED DRUG RELATED CHARGES

| Cumulative Drug Related Arrest Offenses Missing Disposition | | | | |
|-------------------------------------------------------------|----------------|----------------|----------------|----------------|
| | 2014 | 2015 | 2016 | 2017 |
| ARS §28-1381 DUI | 136,823 | 141,797 | 157,664 | 159,851 |
| ARS §13-3415 Drug Paraphernalia | 108,836 | 119,218 | 135,726 | 153,203 |
| ARS §13-3405 Marijuana Violation | 73,982 | 78,484 | 90,899 | 95,448 |
| Total Missing (Since 2002) | <u>321,655</u> | <u>341,514</u> | <u>386,305</u> | <u>410,519</u> |

NICS denials based on drug use has steadily risen over the past nine years. In CY 2017, 469 Arizona firearm transactions were denied based on drug use. However, the number of undisposed, drug related charges in the ACCH also continues to increase so that approximately one out of every four drug related charges is never disposed.⁸

⁷ Retrieved on 2/1/2013 from <http://www.azdhs.gov/medicalmarijuana/documents/reports/121107-patient-application-report.pdf>.

⁸ ACJC Statistical Analysis Center, October 2017, Arrest Offense Categories with the Highest Number of Charges Pending Disposition Information in the ACCH*, CY 2006-2015

10.2 RECOMMENDATIONS

This category includes any unlawful user and/or an addict of a controlled substance. Examples include:

- Persons *convicted* for the use or possession of a controlled substance within the past year;
- Persons with multiple arrests for the use or possession of a controlled substance within the past five years and the most recent *arrest* occurring within the past year;
- Persons found through a drug test to have used a controlled substance unlawfully, provided the test was administered within the past year.

10.2.1 RECOMMENDATION 4.1 - DETERMINE WHETHER THROUGH LEGISLATION OR PROPOSITION, ALL MEDICAL MARIJUANA CARDHOLDERS SHOULD BE REPORTED TO NICS IN ALIGNMENT WITH FEDERAL LAW.

Since the establishment of the Arizona NICS Task Force, the following has been accomplished:

- Consensus could not be reached on prohibiting language in the voter approved proposition.
- The Arizona NICS Task Force has worked with the Arizona Department of Health Services by assisting in the development of a notification to all medical marijuana cardholders, caregivers, and producers, of the Federal law and possession of firearms.

11 CATEGORY 5 – MENTAL HEALTH ADJUDICATIONS

This category includes records not protected from disclosure to the Attorney General by federal or state law that identify persons who have been adjudicated mentally defective, meaning that a court, board, commission or other lawful authority has determined that a person, as a result of marked subnormal intelligence or mental illness, incompetency, condition of disease, either is a danger to himself or others or lacks the mental capacity to contract or manage his own affairs. This category also includes persons found incompetent to stand trial or found insane by a court in a criminal case and persons who have been formally and involuntarily committed to a mental institution. This category does not include persons committed to a mental institution voluntarily or merely for observation or evaluation.

11.1 BUSINESS PROCESS

Civil mental health commitment cases are typically initiated through a request by someone who has interacted with the person such as a social worker, teacher or family member. In a criminal case, the request may be initiated by a legal party to the case through a motion or by the court on its own motion.

The request will first be reviewed by a qualified mental health agency to determine whether the facts indicate that the potential patient is a danger to themselves or others, is persistently or acutely disabled or is incapable of caring for themselves. During this screening process, the agency will interview the applicant and attempt to interview the prospective patient. A pre-screening report is completed at the end of this process.

If the screening indicates that there is no need for further evaluation, the agency medical director will review the request further. If the mental health agency determines a need for further evaluation, an agency representative will ask the patient to undergo a voluntary mental health screening. If the prospective patient does not volunteer for a mental health screening, then the agency may submit a petition for court ordered evaluation. If the agency or the person submitting the application believes the prospective patient is likely to hurt themselves or someone else, the agency can involuntarily place the person into a hospital for 24 hours without court authorization.

The court will review the facts presented in the petition. At the end of this review, the court will either dismiss the petition or issue an order requiring that the prospective patient undergo a mental health evaluation. If the court believes there is an immediate threat, the patient may be immediately hospitalized for an in-patient evaluation. Failure to either perform the evaluation or take the patient into custody within 14 days of the order will result in the expiration of that order.

The outcome of a civil court hearing where the defendant is involuntarily committed to an institution is captured as a minute (event) entry or court order in the court's case management system. In criminal cases, an involuntary commitment order will be transmitted to DPS through fax or mail and entered manually into the NICS.

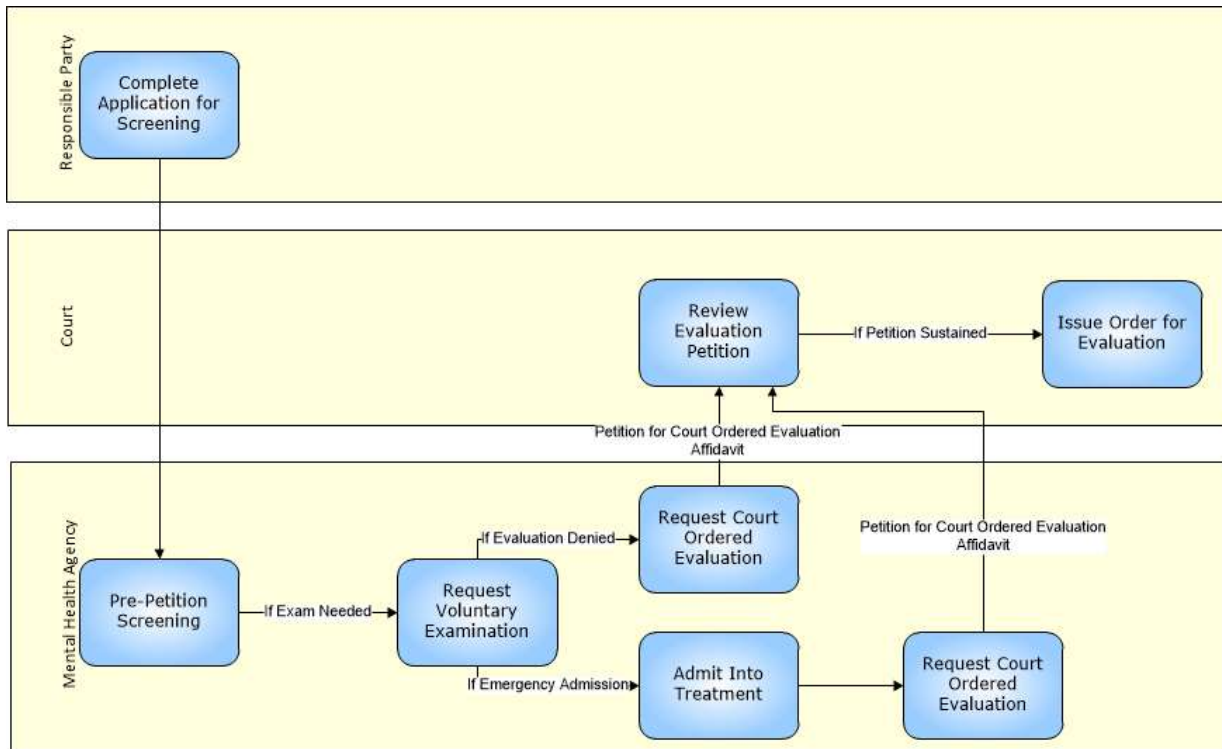


Figure 9 Mental Health Application

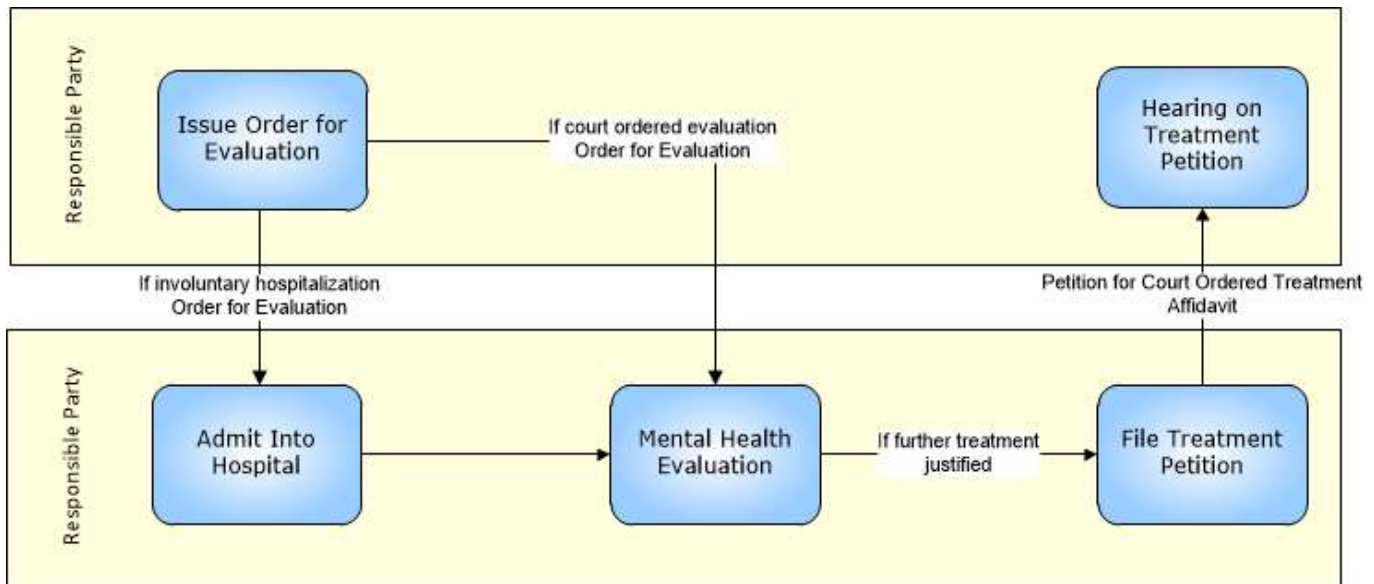


Figure 10 Mental Health Evaluation

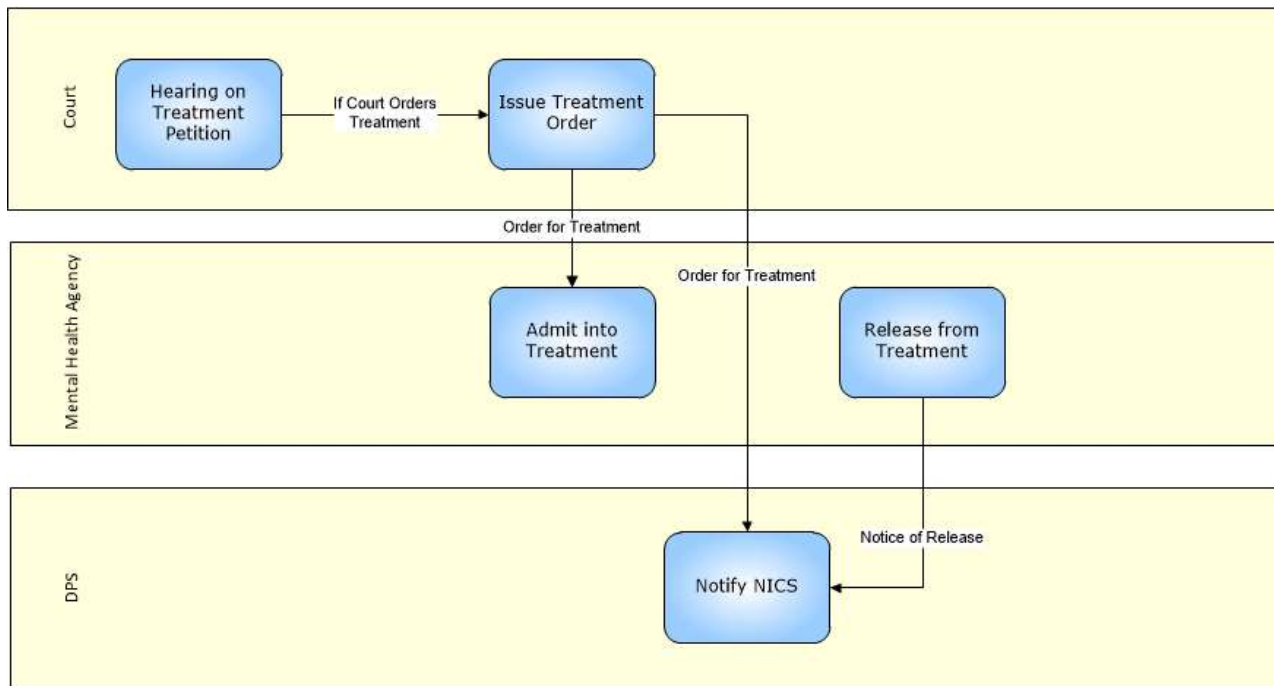


Figure 11 Mental Health Court Disposition

11.1.1 RECOMMENDATIONS

11.1.1.1 RECOMMENDATION 5.1 - ADD GUARDIANSHIP ORDER/FINDING TO DATA COLLECTED FROM THE COURTS, STORED IN A REPOSITORY, AND REPORTED TO NICS.

When a person is adjudicated an “incapacitated person” pursuant to Arizona Title 14, the court should report the person to the DPS for reporting to the NICS as a prohibited possessor.

Per Title 14-5101. Definitions:

"Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, except minority, to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person [italics added]⁹.

Reporting mental health adjudications to the NICS Indices is a major achievement of the Arizona NICS Task Force. Through extremely diligent work by the Task Force, the ACJC and the AOC, all of the recommendations of this category have been completed.

⁹ <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/14/05101.htm>

Any future judicial determination of dismissing the guardianship appointment is remedied through the already existing appeal process to restore a prohibited possessor's Second Amendment rights. A long-term solution to streamline the appeals process is proposed in Recommendation 5.3.

Since the establishment of the Arizona NICS Task Force, the following has been accomplished:

- On April 30, 2014, Arizona Governor Jan Brewer signed Arizona House Bill (HB) 2322 into law. HB2322 allows the Courts to report Title 14 Guardianships to NICS for making those adjudicated under the Title as prohibited possessors of firearms.
- On January 1, 2015, the Arizona Administration of Courts (AOC) began electronically reporting all Title 14 Guardianships to the NICS Index.
- This Recommendation has been fully implemented.

11.1.2 RECOMMENDATION 5.2 - ADD ALL RULE 11 FINDINGS OF "NOT COMPETENT" TO DATA COLLECTED FROM THE COURTS, STORED IN A REPOSITORY, AND REPORTED TO THE NICS.

This recommendation focuses on a judge's ruling on competency. A determination may be made under the Arizona Rules of Criminal Procedure, Rule 11 that a defendant is "not competent" to stand trial. If a defendant is later found competent, then the defendant proceeds through the traditional criminal process and will be accounted for under NICS Categories 1 and 2. The NICS Task Force recommended that once the threshold of "not competent" is determined by a judge, then reporting must take place utilizing the Title 36 process described above.

The following Rule 11 determinations are reported through DPS for NICS reporting:

- Not competent because the defendant is unable to understand the proceedings, because of mental illness, defect, or disability and the defendant is not restorable resulting in a dismissal.
- Not competent because the defendant is unable to assist his attorney because of mental illness, defect, or disability and not restorable resulting in dismissal.
- Not competent because the defendant is unable to understand the proceedings and unable to assist his attorney because of mental illness, defect, or disability and not restorable resulting in dismissal.
- Not competent because the defendant is unable to understand the proceedings because of mental illness, defect, or disability and restorable and order treatment.
- Not competent because the defendant is unable to assist his attorney because of mental illness, defect, or disability and restorable and order treatment.
- Not competent because the defendant is unable to understand the proceedings and unable to assist his attorney because of mental illness, defect, or disability and restorable and order treatment.

The NICS Task Force recognizes that a future determination of restorable would be remedied through the already existing appeals process to restore a prohibited possessor's Second Amendment rights. The long-term solution to streamline the appeals process is provided in Recommendation 5.3.

Since the establishment of the Arizona NICS Task Force this recommendation has been fully implemented.

11.1.3 RECOMMENDATION 5.3 - IMPLEMENT A DATABASE TO TRACK THOSE SEEKING RELIEF FOR CATEGORY 5 NICS-BASED DENIALS.

The NICS Improvement Amendments Act of 2007 (NIAA) was passed to address the gap in information available to the NICS about prohibiting mental health adjudications, commitments, and other prohibiting factors. Also, the NIAA required the automation of records to reduce delays for law-abiding gun purchasers. Further, it provided two conditions that a state must meet to qualify for NICS Improvement Act grants, one of which is a state must create a “relief from disabilities” program permitting people disqualified on mental health grounds to petition to get their firearm rights restored if they no longer suffer from the mental health condition.

The “relief from disabilities” program recommended for Arizona provides that the person must petition the court that entered the commitment order for mental health services and present evidence during a hearing demonstrating that he is no longer a danger to public safety and the granting of relief is in the public interest.

The Task Force recognizes that a system was needed to satisfy this requirement, absent the manual paper driven informal process that now is in place. An AOC effort is underway in developing the necessary process and system as detailed in Section 8.4.

Since the establishment of the Arizona NICS Task Force the following has been accomplished:

- Arizona Department of Public Safety tracks those seeking relief under Category 5. This will be enhanced with completion of the CCI.
- This recommendation has been fully implemented.

11.1.4 RECOMMENDATION 5.4 – CREATE A MENTAL HEALTH DATABASE THAT CAN BE USED FOR NICS REPORTING UNDER TITLE 36, TITLE 14, AND RULE 11.

The Arizona NICS Task Force Recommendation 5.4 was approved by the ACJC. The AOC implemented the repository, called the Centralized Case Repository.

Since the establishment of the Arizona NICS Task Force the following has been accomplished:

- On January 1, 2015, the AOC began electronically reporting all Title 14 Guardianships to the NICS Index, via the Repository and through the DPS ACJIS switch.
- This recommendation has been fully implemented.

11.1.5 RECOMMENDATION 5.5 – CREATE A MENTAL HEALTH PROHIBITED POSSESSOR INDICATOR AND INCORPORATE INTO DPS PERSON QUERY RESPONSES.

The AOC and the DPS, with assistance of the ACJC has completed implementation of this notification to law enforcement of mental health determinations/adjudications. The ACJC assembled legal counsel from various law enforcement agencies to develop the language and policy on notifying law enforcement when a queried subject has been indicated as a prohibited possessor under this category.

ARIZONA NARIP 2020-2025

The AOC completed testing in early 2017 to ensure that the notification represented a consistent reliance on a standard interpretation for law enforcement officers.

Since the establishment of the Arizona NICS Task Force the following has been accomplished:

- ACJC initiated SB 1373 which authorized law enforcement to receive mental health adjudication notifications. SB 1373 was signed into law by Governor Ducey on April 1, 2015.
- The AOC and the DPS established a notification system to all Arizona law enforcement agencies in November 2015.
- This recommendation has been fully implemented.

12 CATEGORY 6 – ORDERS OF PROTECTION

The State of Arizona process for a domestic violence victim to seek, obtain, and serve the perpetrator of domestic violence is built almost entirely on a paper-based civil process and totally dependent upon the victim to initiate and implement each step of the process.

Based on a recommendation from the Arizona NICS Task Force, in 2016 the ACJC applied for and received a Department of Justice grant to examine the Order of Protection/Injunction Against Harassment (OP/IAH) process from the perspectives of victims, advocates, courts, and law enforcement.

From April until mid-September 2017, the core team conducted full day, on-site interviews with 321 justice personnel in every Arizona County. During this series of interviews, the ACJC deconstructed the business process from the point where an OP/IAH is requested by a plaintiff, issued by the court and then served and possibly enforced by law enforcement.

Through these interviews, the team developed a detailed understanding of how counties have implemented previous OP/IAH legislation and developed a series of 58 recommendations that were reviewed and accepted by justice practitioners.

The five critical recommendations from this study are:

- The Arizona Administrative Office of the Courts (AOC) will implement an OP/IAH System that allows plaintiffs to complete a petition remotely and come to court when they are ready to initiate the issuance through and ex parte hearing.
- The AOC will digitally transfer the issued order to the designated service agency through the OP/IAH System.
- The court will become the holder of the OP/IAH Record.
- Arizona will implement a victim notification system to provide the plaintiff with real time updates on the status of an issued OP/IAH.
- Arizona will develop the procedures to allow for service of an active but unserved OP/IAH during incidental law enforcement contact.

12.1 BUSINESS PROCESS

Given the complete overhaul of the OP/IAH business process envisioned by Arizona stakeholders, a series of five highly detailed process models were developed to reflect the current business process.

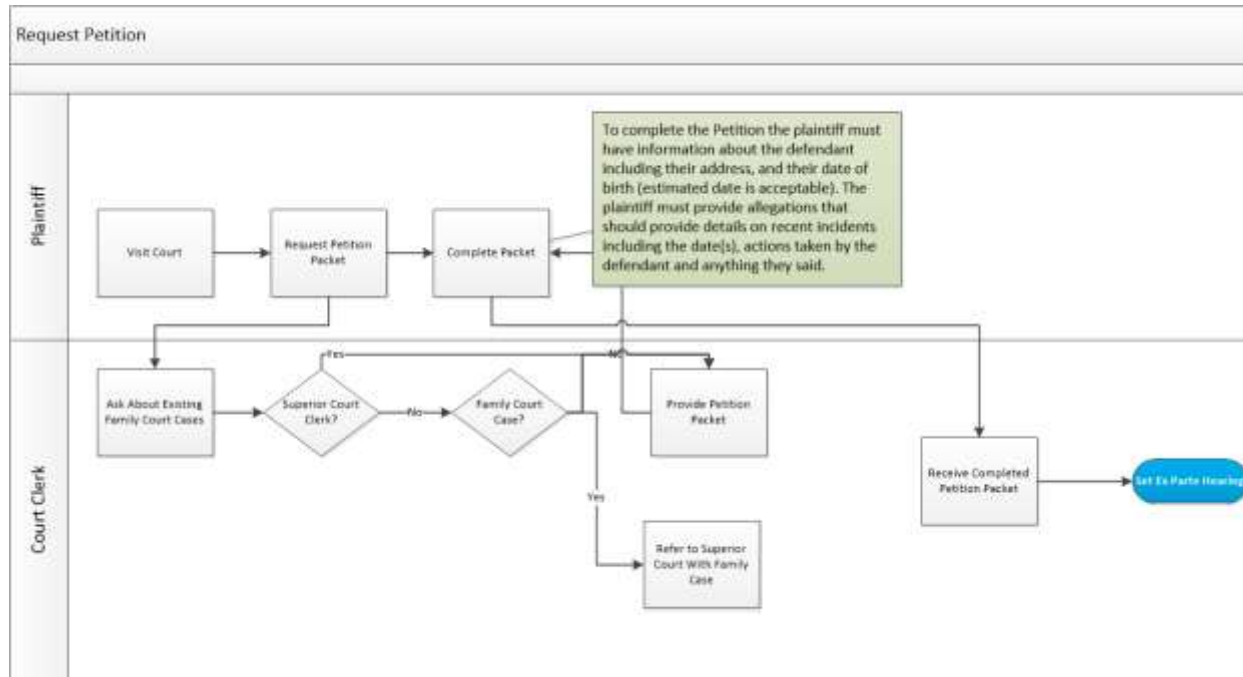


Figure 12 - OP/IAH Process, Request Petition

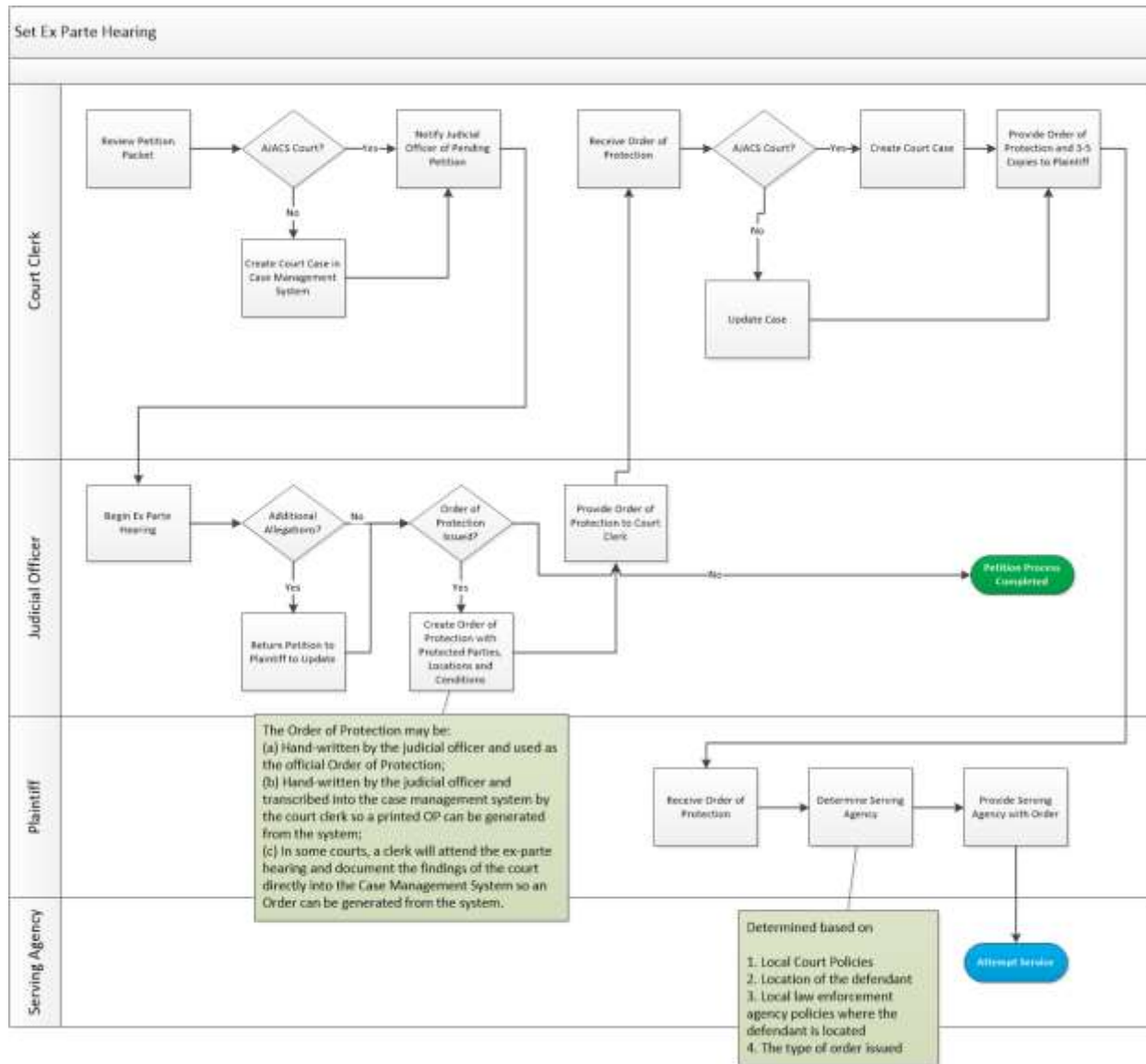


Figure 13 - OP/IAH Process, Set Ex Parte Hearing

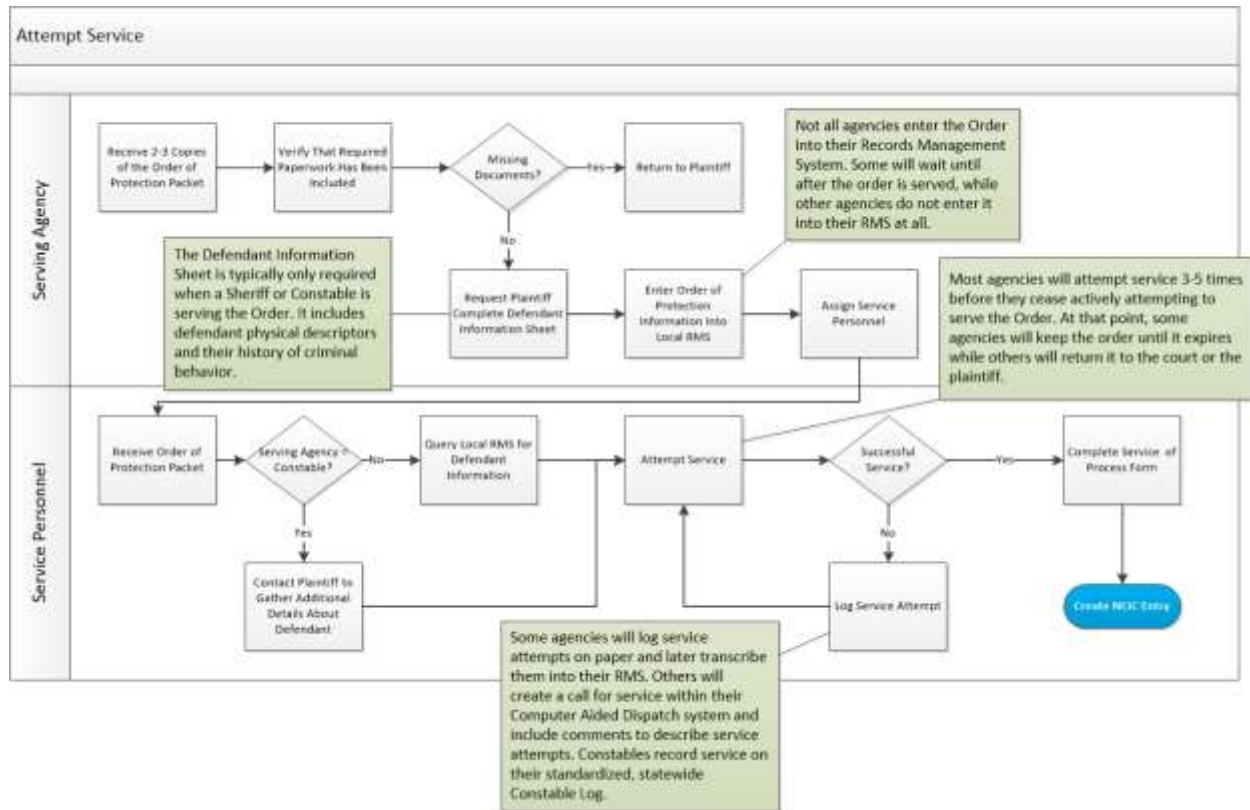


Figure 14 - OPIAH Process, Attempt Service

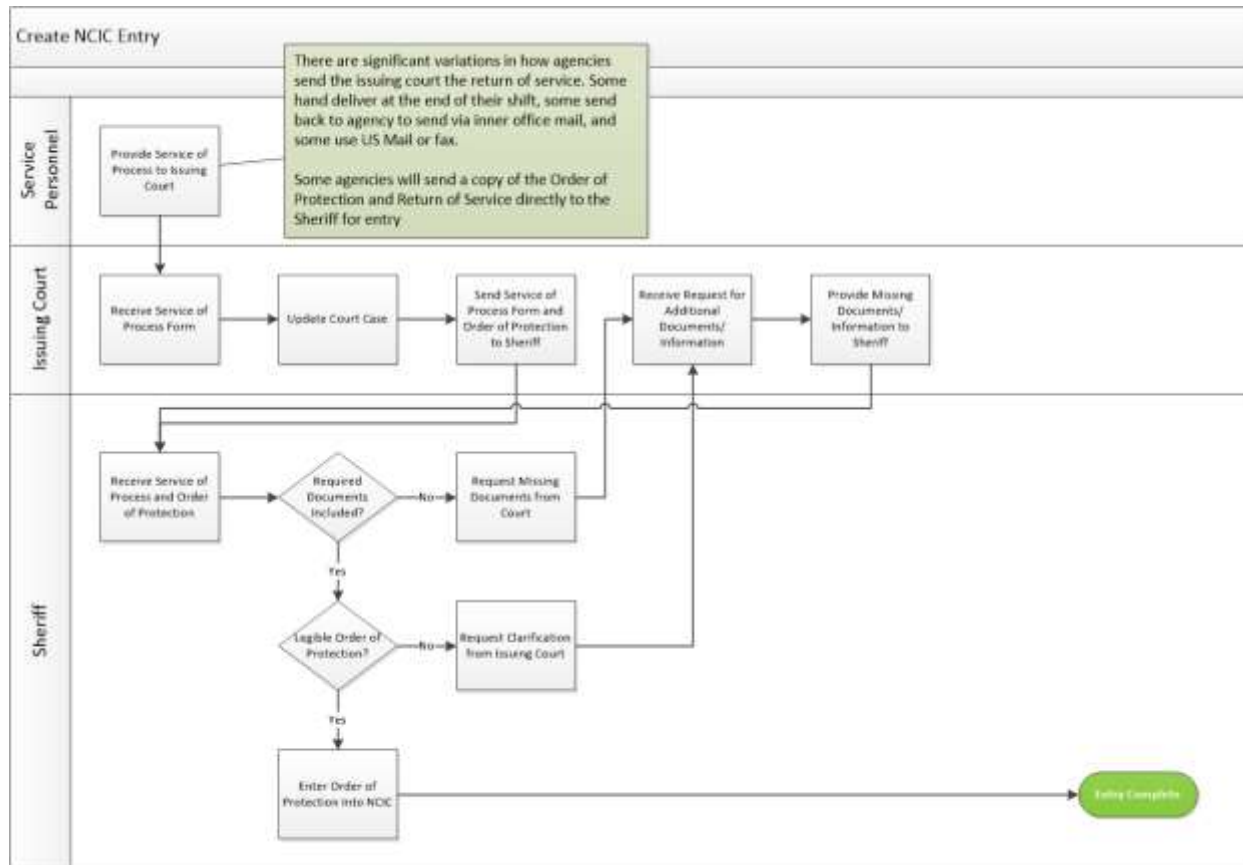


Figure 15 - OP/IAH Process, Create NCIC Entry

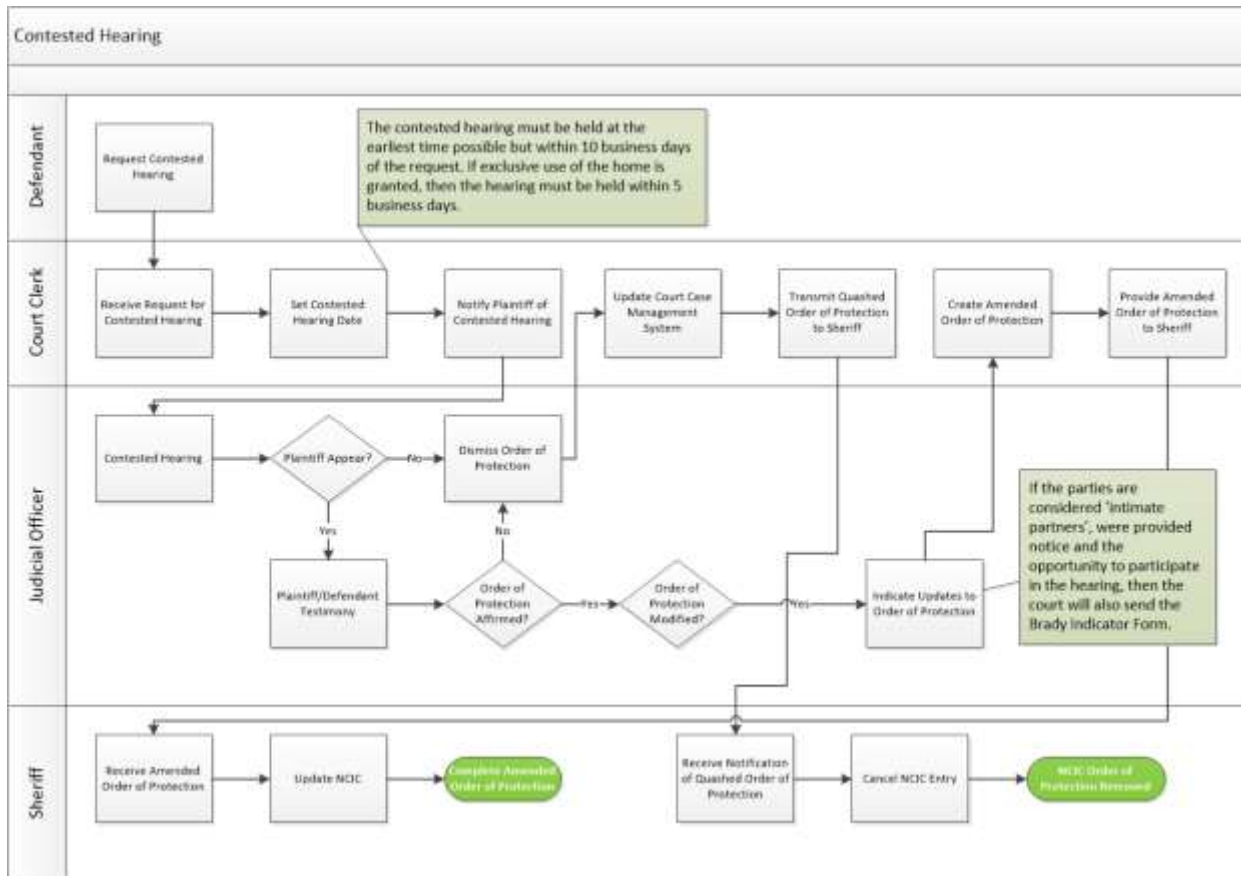


Figure 16 - OP/IAH Process, Contested Hearing

12.2 CHALLENGES

12.2.1 PROCESS BURDEN ON PLAINTIFF/VICTIM

In 2015, 42,356 Orders of Protection and Injunctions Against Harassment (OP/IAH) were issued by Arizona Courts. However, 49% of these Orders were never served, and therefore never were entered into NCIC (National Crime Information Center) or became enforceable. Based on numerous discussions with stakeholders and a rigorous review of existing research on the Arizona OP/IAH process, the almost complete and total reliance on the victim to seek, obtain, and initiate service on the defendant is likely a key contributing factor for the gap between the number of orders issued and orders entered into NCIC.

For example, a victim may not have a current address for the defendant and could be prevented from even requesting an Order without access to the same types of resources that a law enforcement agency can use to determine the whereabouts of a defendant. And after the order is issued, trying to ascertain which of Arizona's 120 law enforcement agencies is authorized to serve an OP/IAH on the defendant is likely to be challenging and cumbersome at a time when a victim may be at their most vulnerable.

As stated by the Avon Program for Women and Justice at the O'Connor House:

“In reviewing the Protective Order system in Arizona, the Avon Program found that its success is often hindered because of the confusing process that victims find difficult to navigate. In addition, because different agencies and jurisdictions have different systems, it is difficult to serve, track, and enforce Protective Orders across jurisdictions or different law enforcement agencies.”

12.2.2 NO ARIZONA ORDER OF PROTECTION REPOSITORY

Arizona does not have a statewide protection order repository. Upon notice of service, the Sheriff’s Department will enter a served Order directly into NCIC where the Order becomes visible to all of law enforcement. This means that the State is missing opportunities for law enforcement to serve an issued OP/IAH during incidental encounters. This creates an officer safety issue since it is unlikely that law enforcement is unaware of unserved Orders.

12.3 PROGRESS UPDATE

Based on the findings from the ACJC study, the AOC went live on the AZPOINT system on January 1, 2020.

As a result of the study and focus group meetings, the ACJC proposed legislation, which resulted in House Bill 2249. HB 2249 contained the following provisions:

- Keeps Plaintiff address and contact information confidential by default.
- The Court shall forward the OP/IAH to the service agency through the Order of Protection System.
- The Supreme Court will be the holder of the Order of Protection Record.
- Implement a victim notification system that will provide the plaintiff real time information on the status of their OP/IAH.
- Following service, the service agency will have 72 hours to file an affidavit with the court.
- Increase the duration of an Emergency Order of Protection from 24 to 72 hours.
- Require Judicial Officers to document issuance of an Emergency Order.
- Permits a Law Enforcement Agency to directly charge a defendant for violation of a protective order (previously, only a prosecutor could submit this charge).

12.3.1 NEXT STEPS

Enabling law enforcement service when there is incidental contact (i.e., a traffic stop) remains an important unresolved issue.

12.4 RECOMMENDATIONS

12.4.1 RECOMMENDATION 6.1 - THE TASK FORCE SHOULD SUPPORT ONGOING EFFORTS BY AOC TO DEVELOP AND IMPLEMENT INTERFACES INTO CPOR FROM PIMA, MARICOPA AND AJACS USERS.

Currently, four courts submit electronic OP/IAH into the legacy Court Protection Order Repository (CPOR). Upon receipt of an order in the CPOR, participating law enforcement agencies will add additional defendant information and identifiers and send it out for service.

Although this pilot system was implemented over ten years ago, very few law enforcement agencies have continued to participate. With the new legislation, an rewritten version of this system will provide the basis for an expanded implementation that requires all agencies and courts involved in the issuance and service of an OP/IAH to participate

Since the establishment of the Arizona NICS Task Force the ACJC OP/IAH study was completed, and process improvements are being incorporated into the redesigned Order of Protection System.

12.4.2 RECOMMENDATION 6.2 - CPOR SHOULD BE THE PRIMARY DATA SOURCE FOR REPORTING PROTECTION ORDERS TO NICS, THROUGH DPS.

This recommendation reinforces the need for a centralized repository for all OP/IAH information.

Since the establishment of the Arizona NICS Task Force, the Arizona AOC has agreed to build a new Order of Protection System that incorporates the requirements and lessons learned from the ACJC study. As a result of HB2249, the court will become the official holder of record and this system will be the primary data source for reporting OP/IAH into the ACIC and NCIC.

12.4.3 RECOMMENDATION 6.3 - PROMOTE POLICY THAT ENSURES THAT ORDERS OF PROTECTION ARE REMOVED PROMPTLY FROM NCIC WHEN THEY EXPIRE OR ARE QUASHED.

The OP/IAH System will ensure that orders that are quashed are removed promptly from the ACIC and NCIC.

Since the establishment of the Arizona NICS Task Force, the OP/IAH System Design incorporates the capabilities stipulated by this recommendation.

12.4.4 RECOMMENDATION 6.4 – ARIZONA SHOULD DEVELOP A STATEWIDE PROTOCOL THAT ESTABLISHES A BEST PRACTICES MODEL ON HOW ORDERS OF PROTECTION SHOULD BE PROCESSED AND SHARED.

ARIZONA NARIP 2020-2025

Since the establishment of the Arizona NICS Task Force the following has been accomplished:

- The ACJC conducted a detailed study starting in March 2017 that identified 58 recommendations that combine to develop an integrated and streamlined business process that reflects leading practices.
- Legislation, in the form of House Bill 2249, was formulated, passed and was signed by Governor Ducey on April 12, 2018.

13 CATEGORY 7 – MISDEMEANOR DOMESTIC VIOLENCE

When law enforcement responds to an incident involving misdemeanor domestic violence, unless there is evidence of physical injury they will cite and release the subject with an Arizona Traffic Ticket and Complaint. In Arizona, first and second time domestic violence offenders are typically charged under the simple assault statute with a domestic violence indicator. It is not until the third conviction that an offender is eligible to be charged with felony aggravated domestic violence under statute ARS 13-3601.02.

According to statistics published by the American Bar Association, nationally there is a 41% chance of domestic violence recurrence within 30 months of a prior conviction. However, of the 25,376 Arizona defendants charged with domestic violence in 2010, only 2.2% were charged under ARS 13-3601.02 for recurring domestic violence. This notable difference between the national and Arizona rates of recidivism implies that there are repeat domestic violence offenders that are never charged with a felony. As such, the only opportunity to ensure these folks are prohibited possessors would be if they are submitted under NICS Category Seven.

Reporting repeat misdemeanor domestic violence convictions to NICS Arizona presents a number of challenges. First, Arizona's domestic violence statute (ARS 13-3601) identifies six different types of relationships, including non-romantic partners. As described in Figure 18 below, these six Arizona relationship types do not easily map to federal relationship definitions. Moreover, because most courts do not currently issue an official finding regarding the nature of their relationship, there is no way to facilitate reporting to NICS. As such, Arizona's approach to reporting misdemeanor domestic violence will need to include discussions on how to capture an official finding of the relationship type using a standardized list across all of Arizona's 189 superior, justice and municipal Courts.

| ARS 13-3601 Relationships | 18 USC 922(g)(9) Relationships |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Victim and defendant are currently or were previously married | 01 – Current or former spouse of victim (can be same sex) |
| Victim and defendant have a child in common | 04 - Child in common (child must be born) |
| Victim or defendant is pregnant by other party | None |
| Victim is related to defendant by blood or court order | 02 – Parent/step-parent of victim 03 – Guardian of victim |
| Victim and defendant reside or have resided in the same household | 05 - Person is cohabiting or has cohabited as spouse of victim (can be same sex) 06- Person is cohabiting or has cohabited as parent of victim 07 - Person is cohabiting or has cohabited as guardian of victim |
| The relationship between the victim and defendant is or was romantic or sexual in nature. | None |
| None | 08 - Person similarly situated to spouse (can be same sex) 09 - Person similarly situated to parent of victim 10 - Person similarly situated to guardian of victim |

Figure 17 ARS v. Fed Relationship Chart

13.1 CURRENT PROCESS

The diagram below provides a high-level description of the typical business workflow for a case involving domestic violence. Some key activities are described in greater detail below.

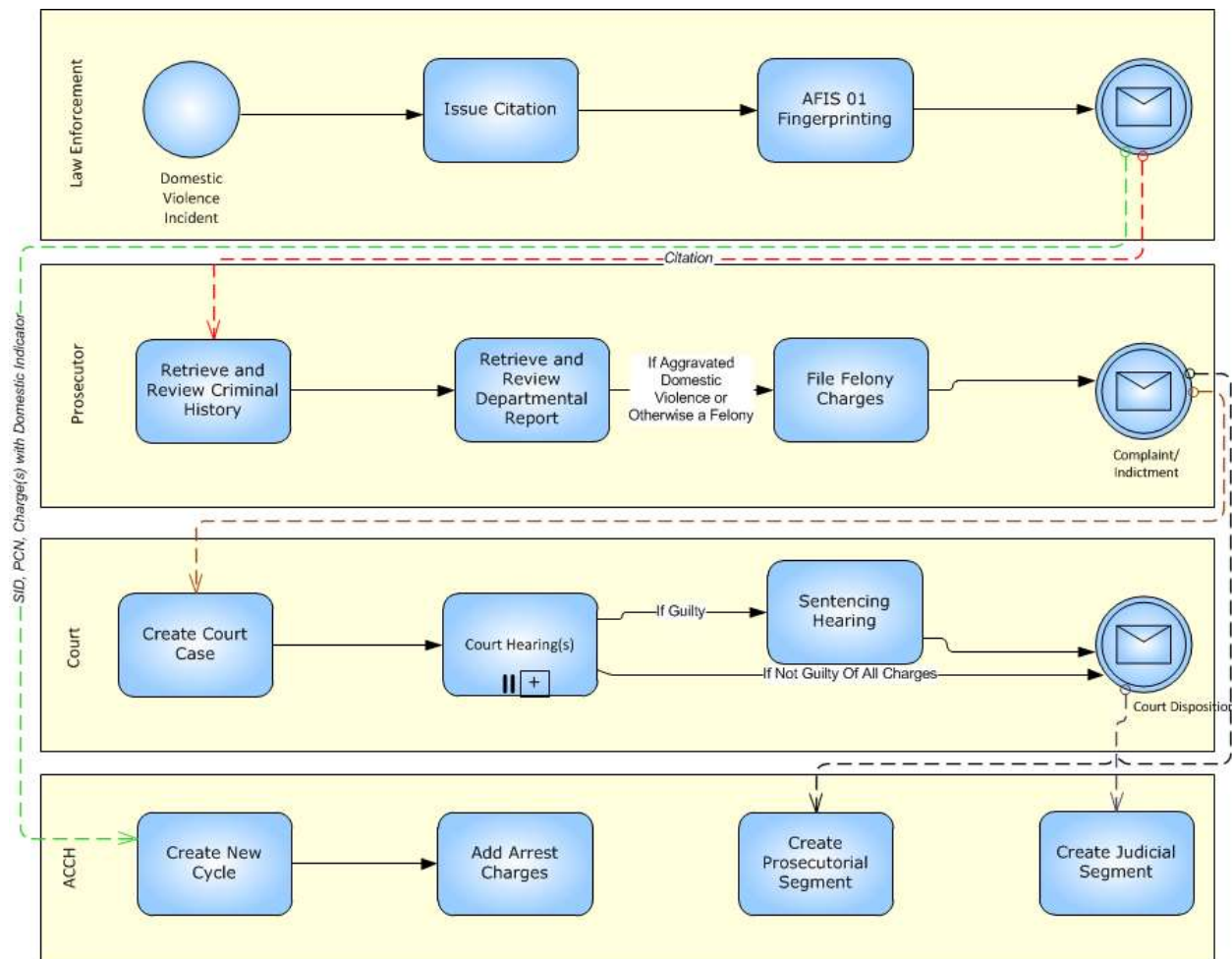


Figure 18 Domestic Violence Business Process

In Arizona, when a subject is arrested for domestic violence they are fingerprinted and typically charged with simple assault. During fingerprinting, the agency must check the domestic violence indicator to indicate that the case involves domestic violence.

13.1.1 ISSUE CITATION

When law enforcement responds to an involving misdemeanor domestic unless there is evidence of physical they cite and release the subject with ATTC. The charges section of the includes a checkbox to indicate violence.

Arizona Traffic Ticket and Complaint

| | | | | |
|----------------------------------------------------------|----------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|--------------------------------------------|
| Complaint No. | DOB | Address | <input type="checkbox"/> Accident <input type="checkbox"/> Felony <input type="checkbox"/> Commercial | Agency Use or Report Number |
| Driver's License Number | Sex | Class | <input type="checkbox"/> Serious Physical Injury <input type="checkbox"/> Rec. Material | Agency Use |
| DEFENDANT | | | | |
| Residential/ Commercial Address City State ZIP Telephone | | | | |
| MAILING ADDRESS <input type="checkbox"/> SAME AS ABOVE | | | | |
| Sex | Height | Weight | Eyes | Hair |
| Color | Year | Make | Model | Style |
| VEHICLE | | | | |
| Exterior Color Address Vehicle Identification Number | | | | |
| The undersigned certifies that: | | | | |
| ON | Month | Day | Year | Time |
| AT | Location | SPEED Approx. Posted R.A.P. Speed Measurement Device Direction of Travel | | |
| The defendant committed the following: | | | | |
| A | Section | ADJ. CC | Violation | Domestic Violence <input type="checkbox"/> |
| B | Section | ADJ. CC | Violation | Domestic Violence <input type="checkbox"/> |
| C | Section | ADJ. CC | Violation | Domestic Violence <input type="checkbox"/> |
| D | Section | ADJ. CC | Violation | Domestic Violence <input type="checkbox"/> |
| E | Section | ADJ. CC | Violation | Domestic Violence <input type="checkbox"/> |

incident
violence,
injury,
an
citation
domestic

13.1.2 AFIS 01
FINGERPRINTING

During booking the domestic violence will be designated with a “D” added to applicable charge in box 15.

indicator
the

13.1.3 RETRIEVE AND
REVIEW CRIMINAL
HISTORY Figure 19 Arizona Citation

The prosecutor will use the information contained on the citation to retrieve criminal history and identify potential prior arrests involving domestic violence. If criminal history indicates that the defendant was previously convicted of two or more cases of domestic violence, the prosecutor has the option to charge the defendant with aggravated domestic violence.

13.1.4 REVIEW AND RETRIEVE DEPARTMENTAL REPORT

The departmental report is typically not included with the citation. As such, the prosecutor will often request the departmental report from the arresting agency to further understand the case. Based on the review of the departmental report and criminal history, the prosecutor may request the case be reviewed by felony prosecutors to be charged as felony aggravated domestic violence.

13.1.5 FILE FELONY CHARGES

In practice, the decision to file aggravated domestic violence charges is one that must be made based on the alleged offender’s criminal history and whether the prosecutor feels there is a high likelihood of a successful outcome in a trial. In 2011, aggravated domestic violence charges accounted for 1.2% of the 43,343 domestic violence arrest counts indicating that this statute (ARS 13-3601.02) is seldom utilized.

13.2 CHALLENGES

13.2.1 RELATIONSHIP TYPE NOT CAPTURED

The NICS message protocol requires that the *Relationship to Victim* and *State Statute and Subsection* fields are populated. Valid values for the relationship between the subject and victim are as indicated in Figure 19 at the top of this section. However, most Arizona courts do not identify the specific relationship between the defendant and victim. To fulfill this requirement, the specific domestic relationship between the defendant and victim should be officially determined by the court based on interviews and testimony.

Moreover, the relationship type is not included when reporting a domestic violence conviction into the III. This absence of a relationship type in the conviction record forces the NICS Examiner to contact the conviction court to clarify the relationship type and determine whether this is a prohibiting offense based on the relationship type.

13.2.2 FEW FELONY DOMESTIC VIOLENCE CHARGES

The low percentage (<2%) of cases that are escalated to felony charges likely indicates that many opportunities for enhancing domestic violence charges to a felony are being missed. One possible remedy for this situation is to ensure that law enforcement has the information available at the time of arrest to ascertain whether the subject can be charged with felony aggravated domestic violence.

When performing a person query in ACCH, law enforcement officers commonly receive summary information about the number of prior felony convictions. This same capability could be applied to domestic violence charges to alert the officer when the subject has at least two prior misdemeanor domestic violence convictions. Provided that the ACCH is able to capture fingerprints, charges and a corresponding disposition, a domestic violence counter could be automatically implemented within the ACCH and would likely result in more subjects being initially charged with aggravated domestic violence.

13.3 RECOMMENDATIONS

13.3.1 RECOMMENDATION 7.1 - IF NO CORRESPONDING ARREST RECORD IS FOUND, ADRS SHOULD FORWARD A DOMESTIC VIOLENCE GUILTY DISPOSITION INTO THE NICS.

If a matching arrest charge and fingerprint cannot be found, misdemeanor domestic violence conviction information may be rejected by the DPS and therefore not reported into the ACCH or III. To avoid this issue, conviction information should be reported directly to the NICS and include only NICS required indicators.

Since the establishment of the Arizona NICS Task Force the AOC and the DPS are working to send dispositions that do not have a matching arrest record to NICS.

13.3.2 RECOMMENDATION 7.2- WORK WITH THE COURTS TO CAPTURE THE RELATIONSHIPS BETWEEN THE VICTIM AND THE PERPETRATOR. (ALLOWS FOR THE CREATION OF PCA “J” CODES FOR DEFINED RELATIONSHIPS)

During law enforcement charging, the relationship between the offender and the victim should be captured using a pre-defined code list. This relationship type should be confirmed or corrected during a court hearing through a formal finding.

Since the establishment of the Arizona NICS Task Force the following has been accomplished:

- Arizona is currently submitting cases that are flagged with the “D” (domestic violence) indicator to III.
- Study on domestic violence process, including the designation of relationships will continue.

14 APPENDIX I – AZ NICS TASK FORCE PARTICIPATING AGENCIES

| | |
|-------------------------------------------------------|-------------------------------------|
| Arizona Administrative Office of the Courts | Graham County Sheriff's Office |
| Arizona Coalition to End Sexual and Domestic Violence | ICE Homeland Security |
| Arizona Criminal Justice Commission | Maricopa Association of Governments |
| Arizona Department of Corrections | Maricopa Clerk of the Court |
| Arizona Department of Economic Security | Maricopa County Adult Probation |
| Arizona Department of Health Services | Maricopa County Attorney's Office |
| Arizona Department of Homeland Security | Maricopa County Justice Courts |
| Arizona Department of Public Safety | Maricopa County Sheriff's Office |
| Arizona Department of Transportation - MDV | Maricopa County Superior Court |
| Arizona Prosecuting Attorneys' Advisory Council | Maricopa ICJIS |
| Arizona State Representative | Maricopa Police Department |
| Arizona State University | Mesa Municipal Court |
| Avondale Police Department | Mesa Police Department |
| AWC Police Department | Natl. Center for State Courts |
| Coconino County Sheriff's Office | Navajo County |
| Coconino County Superior Court | Navajo County Attorney's Office |
| Community Partnership of Southern Arizona | Navajo County Sheriff's Office |
| Crime Victim's Rights Project | NTH Consulting / ACJC Consultant |
| El Mirage Police Department | Peoria City Court |
| FBI NICS Representative | Peoria Police Department |
| Gila River Indian Community | Phoenix Municipal Court |
| Gilbert Prosecutor's Office | Phoenix Police Department |
| Glendale City Court | Phoenix Prosecutor's Office |
| Glendale Police Department | Pima County Attorney's Office |
| | Pima County Clerk's Office |

ARIZONA NARIP 2020-2025

Pima County Sheriff's Department

Pima County Superior Court

Pinal County Court Administration

Pinal County Justice of the Peace, Pro Tem

Pinal County Superior Court

Prescott Valley Police Department

Salt River Police Department

San Luis Police Department

Scottsdale City Court

Scottsdale Police Department

SEARCH

Somerton Municipal Court

Somerton Police Department

Surprise City Court

Surprise Police Department

Tucson City Court

Tucson Police Department

US DOJ Bureau of Alcohol, Tobacco, and Firearms

Waterhole Consulting / ACJC

Yavapai Co Clerk of Court

Yavapai County

Yavapai County Attorney's Office

Yavapai County Superior Court

Yuma Adult Probation Office

Yuma County Attorney's Office

Yuma County Juvenile Corrections

Yuma County Juvenile Court

Yuma Municipal Court

Yuma Police Department

PROGRAM RECOMMENDATIONS

DATA STEWARDSHIP

| | | | | | |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------|---------|------------------|
| ONE | Establish specific stewardship guidelines making each justice stakeholder (law enforcement, prosecutor, court) responsible for maintaining the integrity of the charges and justice process outcomes established and/or adjudicated by that stakeholder. | January 2013 | March 2013 | AOC DPS | Executive Action |
| | Specific System Recommendations that Support Program Recommendation ONE | | | | |
| | Category 1 – Felony Convictions | 1.1-3 | 1.5-6 | 1.8 | |
| | Category 2 – Informations/Indictments | 2.1-2 | 2.4-6 | | |
| | Category 3 – Active Warrants | 3.1-2 | | | |
| | Category 4 – Drug Arrests | 4.1 | | | |
| | Category 5 – Mental Health | 5.1-2 | | | |
| | Category 6 – Protective Orders | 6.4 | | | |
| | Category 7 – Misdemeanor DV | 7.1-2 | | | |
| CHARGE SEGMENTS | | | | | |
| TWO | Modify the Arizona Disposition Reporting System (ADRS) to support the stewardship guidelines established above and capture charges as they exist during each segment (arrest segment, prosecution segment, and court segment) of the case lifecycle. As the case proceeds through each segment, the most recent charges will be reported from ADRS into ACCH and would supersede all previous charges on a case. | January 2013 | March 2013 | AOC DPS | Executive Action |
| | Specific System Recommendations that Support Program Recommendation ONE | | | | |
| | Category 1 – Felony Convictions | 1.4-5 | | | |
| | Category 2 – Informations/Indictments | 2.1-2 | | | |

ARIZONA NARIP 2020-2025

| | | | | | |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------|------|------------------|
| | Category 7 – Misdemeanor DV | 7.1 | | | |
| THREE | Modify the Arizona Rap Sheet to display the charges captured during each segment. This approach is compatible with version 3.0 of the NLETS Interstate Criminal History Transmission Specification. | January 2013 | March 2013 | DPS | Executive Action |
| | Specific System Recommendations that Support Program Recommendation ONE | | | | |
| | Category 1 – Felony Convictions | 1.1-2 | 1.6 | | |
| COUNTY-LEVEL DISPOSITION SCORECARDS | | | | | |
| FOUR | Establish scorecards for each Arizona County that measures progress toward reducing the percentage of records that are missing final dispositions. | January 2013 | March 2013 | ACJC | Executive Action |
| | Specific System Recommendations that Support Program Recommendation ONE | | | | |
| | Category 1 – Felony Convictions | 1.1-2 | | | |

| | PERFORMANCE MEASURE DESCRIPTION | | | | | | | | | |
|-----------------------|-----------------------------------------------------------------------------------------------------------|----------------|----------------|----------------|----------------|----------------|--|--|--|--|
| | Number of ARRESTS in ACCH based on a PCN (since 2002) | | | | | | | | | |
| Date | CY 2014 | CY 2015 | CY 2016 | CY 2017 | CY 2018 | CY 2019 | | | | |
| Cumulative Arrests | 2,697,711 | 2,861,790 | 3,040,398 | 3,227,478 | 3,408,623 | 3,573,968 | | | | |
| Calendar Year Arrests | | 184,037 | 178,608 | 187,080 | 181,145 | 165,345 | | | | |
| | | | | | | | | | | |
| | Number of ARRESTS with at least one disposition charge finding in ACCH based on a PCN (since 2002) | | | | | | | | | |
| Date | CY 2014 | CY 2015 | CY 2016 | CY 2017 | CY 2018 | CY 2019 | | | | |
| Cumulative Dispo | 2,078,228 | 2,319,959 | 2,447,956 | 2,573,634 | 2,657,707 | 2,814,903 | | | | |
| Calendar Year Dispo | | 137,509 | 127,997 | 125,678 | 84,073 | 157,196 | | | | |
| Arrests w/ Dispo | | 75% | 72% | 67% | 46% | 79% | | | | |
| | | | | | | | | | | |
| | Total Number of ARREST CHARGES in ACCH (since 2002) | | | | | | | | | |
| Date | CY 2014 | CY 2015 | CY 2016 | CY 2017 | CY 2018 | CY 2019 | | | | |
| Cumulative Charges | 6,196,108 | 6,684,796 | 7,138,514 | 7,616,925 | 8,070,758 | 8,545,545 | | | | |
| Calendar Year Charges | | 465,860 | 453,718 | 478,411 | 453,833 | 474,787 | | | | |
| | | | | | | | | | | |
| | Total Number of ARREST CHARGES with a Disposition Finding (since 2002) | | | | | | | | | |
| Date | CY 2014 | CY 2015 | CY 2016 | CY 2017 | CY 2018 | CY 2019 | | | | |
| Cumulative Dispo | 4,584,308 | 5,225,448 | 5,526,760 | 5,814,994 | 5,994,178 | 6,424,129 | | | | |
| Calendar Year Dispo | | 324,622 | 301,312 | 288,234 | 179,184 | 429,951 | | | | |
| Charges w/ Dispo | | 70% | 66% | 60% | 39% | 75.20% | | | | |
| | | | | | | | | | | |

ARIZONA NARIP 2020-2025

| Top arrest offense categories by highest number of charges missing disposition information (since 2002) | | | | | | |
|---------------------------------------------------------------------------------------------------------|---------|---------|---------|-----------|-----------|-----------|
| | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
| 1. ARS §13-2506 2 nd Degree Failure to Appear | 146,425 | 150,173 | 159,747 | 169,349 | 174,086 | 178,969 |
| 2. ARS §28-1381 Driving Under the Influence | 136,823 | 141,797 | 157,664 | 159,851 | 163,589 | 167,934 |
| 3. ARS §13-3415 Drug Paraphernalia Violation | 108,836 | 119,218 | 135,726 | 153,203 | 162,596 | 167,565 |
| 4. ARS §13-3405 Marijuana Violation | 73,982 | 78,484 | 90,899 | 95,448 | 99,717 | 105,186 |
| 5. ARS §13-2904 Disorderly Conduct | 72,243 | 78,195 | 84,856 | 91,841 | 92,741 | 92,690 |
| 6. ARS §13-2507 1 st Degree Failure to Appear | 68,166 | 73,523 | 81,787 | 85,260 | 85,444 | 85,087 |
| 7. ARS §28-3473 Driving Violations | 62,317 | 64,009 | 71,654 | 73,456 | 76,381 | 78,711 |
| 8. ARS §13-2810 Interfere w/ Judicial Proceedings | 61,428 | 63,455 | 69,358 | 70,044 | 76,084 | 55,944 |
| 9. ARS §13-1203 Assault | 59,352 | 62,820 | 67,315 | 68,137 | 72,808 | 71,540 |
| 10. ARS §13-3904 Promise to Appear Violation | 55,466 | 58,818 | 65,640 | 61,389 | 69,418 | 70,467 |
| Total Missing (Since 2002) | 845,038 | 890,492 | 984,646 | 1,029,995 | 1,072,864 | 1,074,093 |
| | | | | | | |

ARIZONA NARIP 2020-2025

| GAP | | CY 2014 | | CY 2015 | | CY 2016 | | CY 2017 | | CY 2018 | | CY 2019 | |
|------------------------------------------------------------------|---------|-------------------|---------|-------------------|---------|-------------------|--|-------------------|--|-------------------|--|-------------------|--|
| Total | | 996 | | 159 | | 102 | | 22 | | 20 | | 9 | |
| • Verified/Created SID | | 566 | | 110 | | 77 | | 19 | | 1 | | 3 | |
| • Unable to Comclare/Create | | 373 | | 49 | | 23 | | 0 | | 1 | | 0 | |
| • Pending | | 55 | | 0 | | 2 | | 3 | | 22 | | 12 | |
| | | | | | | | | | | | | | |
| *Disposition Charges by Submission Type (Since 2002) | | CY 2014 Total (%) | | CY 2015 Total (%) | | CY 2016 Total (%) | | CY 2017 Total (%) | | CY 2018 Total (%) | | CY 2019 Total (%) | |
| • Paper | | 252,643 (73) | | 224,261 (60) | | 111,661 (41.5) | | 228,224 (63) | | 293,554 (64.2%) | | 6,828,129 (80%) | |
| • E-Dispo | | 23,992 (7) | | 21,767 (6) | | 20,174 (7.5) | | 16,225 (4) | | 6,159 (1.3%) | | 447,895 (1.2%) | |
| • ADRS Web | | 61,789 (18) | | 119,356 (32) | | 130,570 (48.6) | | 105,596 (29) | | 134,198 (29.3%) | | 1,153,712 (5.2%) | |
| • ADRS XML | | 6,466 (2) | | 7,250 (2) | | 6,383 (2.4) | | 10,991 (3) | | 23,544 (5.1%) | | 101,821 (13.5%) | |
| Total | | 344,890 | | 372,634 | | 268,788 | | 360,956 | | 457,455 | | 8,531,557 | |
| * January 2018 Data Extract | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| Disposition Agencies using ADRS (≥ 90% of all ACCH submissions) | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| Final Disposition Reports (Issued) | | | | | | | | | | | | | |
| State FY – July to June | FY 2015 | *FY 2016 | FY 2017 | FY 2018 | FY 2019 | | | | | | | | |
| | 168,211 | 63,861 | 143,010 | 149,664 | 207,669 | | | | | | | | |

ARIZONA NARIP 2020-2025

| | | | | | | | | | |
|---------------------------------------|----------|---------|--------|---------|---------|--|--|--|--|
| Final Disposition Reports (Completed) | | | | | | | | | |
| Completed | 155,836 | 57,650 | 67,148 | 85,694 | 182,108 | | | | |
| Rejects | (12,375) | (6,211) | 29,942 | 20,430 | 28,135 | | | | |
| | | | | | | | | | |
| AFIS Devices in Arizona | | | | | | | | | |
| DATE | 09/2015 | 2016 | 2017 | CY 2018 | CY 2019 | | | | |
| Live Scans | 184 | 132 | 154 | 167 | 167 | | | | |
| | | | | | | | | | |

ARIZONA NARIP 2020-2025

| Agencies using a Livescan Devices in Arizona | | | | | | | | | |
|----------------------------------------------------------------|---------|----------|-----------|----------|-----------|-----------|----------|---------|---------|
| DATE | 2015 | 2016 | 2017 | 2018 | 2019 | | | | |
| Agencies | 75 | 97 | 102 | 73 | 73 | | | | |
| | | | | | | | | | |
| NCIC – Active Warrant entries | | | | | | | | | |
| DATE | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | | |
| | 11,706 | 17,770 | 68,285 | 67,776 | 81,019 | 68,953 | 51,943 | | |
| | | | | | | | | | |
| ACIC – Active Felony Warrants | | | | | | | | | |
| | | | | | 2017 | 2018 | 2019 | | |
| | | | | | 48,606 | | 51,943 | | |
| | | | | | | | | | |
| ACIC – Active Warrant Entries | | | | | | | | | |
| DATE | 2013 | 2/4/2014 | 5/23/2014 | 9/2/2014 | 3/26/2015 | 10/3/2016 | 7/7/2017 | 2018 | 2019 |
| | 338,374 | 336,170 | 334,764 | 333,337 | 339,257 | 346,517 | 358,584 | 394,811 | 282,378 |
| | | | | | | | | | |
| Arizona Mental Health (Category 5) entries in the NICS Indices | | | | | | | | | |
| DATE | 04/2014 | 12/2014 | 02/2015 | 2015 | 2016 | 2017 | 2018 | 2019 | |
| TOTAL NICS | 15,663 | 17593 | 18,598 | 23,032 | 28,909 | 30,741 | 36,305 | 41,842 | |
| TOTAL AOC | | | | 6880 | 7028 | 8403 | 6,609 | 13,342 | |
| Title 36 | | | | 2543 | 2645 | 3195 | 3,114 | 5651 | |
| Title 14 | | | | 2216 | 2328 | 2106 | 1,827 | 4576 | |
| Rule 11 | | | | 1278 | 1243 | 1000 | 931 | 2259 | |
| Guilt but Insane | | | | 16 | 33 | 18 | 10 | 27 | |

ARIZONA NARIP 2020-2025

| | | | | | | | | | |
|--------------|--|--|--|-----|-----|------|-----|-----|--|
| Restorations | | | | 827 | 779 | 2084 | 727 | 836 | |
|--------------|--|--|--|-----|-----|------|-----|-----|--|

| AOC Orders of Protection (Issued) – State FY | | | | | | | | | | |
|------------------------------------------------------------------|--------|--------|--------|--------|--------|--------|---------|---------|---------|---------|
| 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | FY 2016 | FY 2017 | FY 2018 | FY 2019 |
| 27,693 | 28,919 | 28,997 | 29,417 | 29,257 | 29,073 | 29,716 | 29,583 | 30,906 | 35,748 | 30,742* |
| AOC Injunctions Against Harassment (Issued) – State FY | | | | | | | | | | |
| | | | | | | 12,773 | 12,502 | 12,983 | 19,914 | 12,649* |
| OP/IAH Issued | | | | | | 42,356 | 42,085 | 43,889 | 55,662 | 43,391* |
| Total OP/IAH Entered into NCIC | | | | | | 21,482 | 21,368 | 22,189 | 22,449 | 21,960 |
| Days from Issuance to Service | | | | | | 12.03 | 13.16 | 12.6 | 12 | |
| Days from Service to Entry | | | | | | 9..87 | 9.56 | 10.4 | 10.9 | |
| Brady | | | | | | 1,059 | 994 | 1,356 | 1,250 | |
| | | | | | | | | | | |
| NCIC/FBI Orders of Protection/Injunction Against Harassment – CY | | | | | | | | | | |
| | | | | 17,998 | 17,918 | 17,881 | 17,866 | 18,440 | | |
| | | | | | | | | | | |

| Misdemeanor Domestic Violence Convictions in ACCH (resulting from arrests since 2002) | | | | | | | | | |
|---------------------------------------------------------------------------------------|---------|---------|---------|------|---------|--|--|--|--|
| DATE | 03/2015 | 1/2016 | 3/2017 | 2018 | 2019 | | | | |
| | 120,125 | 130,371 | 136,683 | | 149,335 | | | | |
| | | | | | | | | | |

ARIZONA NARIP 2020-2025

| | NICS DENIALS based on CATEGORY – CY (Includes Overturned Denials) | | | | | | | | | | | |
|--------------------------------|--------------------------------------------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
| CATEGORY | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | Total |
| Felony Conviction (Cat 1) | 1463 | 1878 | 2156 | 2303 | 2051 | 1905 | 2319 | 2745 | 2774 | 2539 | 2,494 | 24,627 |
| Indictment/Information (Cat 2) | 85 | 127 | 131 | 161 | 147 | 134 | 176 | 156 | 174 | 189 | 192 | 1,672 |
| Fugitive From Justice (Cat 3) | 528 | 555 | 685 | 747 | 649 | 661 | 866 | 1123 | 303 | 259 | 383 | 6,759 |
| Unlawful Drug Use (Cat 4) | 290 | 334 | 441 | 448 | 416 | 331 | 427 | 417 | 469 | 490 | 490 | 4,553 |
| Protection Order (Cat 6) | 108 | 139 | 137 | 129 | 88 | 105 | 110 | 170 | 141 | 239 | 124 | 1,490 |
| Mental Health (Cat 5) | 52 | 55 | 85 | 93 | 142 | 131 | 168 | 204 | 197 | 124 | 195 | 1,446 |
| MDV Conv. (Cat 7) | 353 | 333 | 375 | 312 | 179 | 205 | 226 | 433 | 553 | 507 | 514 | 3,990 |
| State Prohibitor (Cat 1/7) | 156 | 176 | 214 | 208 | 242 | 248 | 236 | 286 | 301 | 322 | 405 | 2,794 |
| Illegal/Unlawful Alien | 40 | 41 | 60 | 74 | 58 | 89 | 138 | 258 | 286 | 247 | 186 | 1,477 |
| Fed Denied Persons File | 6 | 4 | 8 | 9 | 4 | 3 | 3 | 5 | 4 | 1 | 2 | 49 |
| Dishonorable Discharge | 8 | 4 | 6 | 6 | 2 | 2 | 7 | 2 | 6 | 0 | 3 | 46 |
| Renounced US Citizenship | 0 | 0 | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 6 |
| SUM | 3089 | 3646 | 4300 | 4491 | 3979 | 3814 | 4676 | 5799 | 5208 | 4914 | 4,988 | 48,907 |
| | | | | | | | | | | | | |
| NICS CHECKS – AZ | 215,379 | 206,050 | 251,477 | 339,663 | 363,036 | 310,672 | 331,442 | 416,279 | 384,930 | 377,838 | 372,912 | 3,569,648 |

ARIZONA NARIP 2020-2025

| Drug Use Arrests* in ACCH (since 2002) | | | | | | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|--|
| DATE | 03/2015 | 1/2016 | 3/2017 | 2017 | 2018 | 2019 | | | | |
| | 446,285 | 481,404 | 517,749 | 561,885 | | 639,367 | | | | |
| Arrests including ARS §13-3402, ARS §13-3403, ARS §13-3405, ARS §13-3406, ARS §13-3407, ARS §13-3408, ARS §13-3411, and/or ARS §28-1381A3 arrest charges. | | | | | | | | | | |
| | | | | | | | | | | |
| Number of Records in NICS Index | | | | | | | | | | |
| DATE | 03/2015 | 04/2015 | 08/31/2015 | 09/03/2015 | 01/05/2016 | 01/02/2017 | 01/02/2018 | 12/31/2018 | 12/31/2019 | |
| A1 – Felonies | 4 | | | | 4 | 4 | 4 | 36 | 1,145 | |
| A2 – Under Indictment | 2 | | | | 1 | 1 | 0 | 0 | 0 | |
| B – Fugitive from Justice | 1 | | | | 1 | 2 | 0 | 0 | 0 | |
| C – Controlled Substance | 25 | 20 | | | 18 | 7 | 12 | 22 | 2 | |
| | | | | | | | | | 41,842 | |
| D – Mental Health | 18,598 | 19,252 | 21,271 | 21,312 | 23,032 | 28,909 | 30,741 | 36,305 | 3 | |
| I - MCDV | 2 | | | | 2 | 2 | 2 | 3 | 2 | |
| J – State Prohibitors | 2 | | | | 3 | 3 | 3 | 3 | 1,145 | |
| | | | | | | | | | | |

Note: An arrest includes all arrest charges that share a unique Process Control Number in ACCH.